Exhibit A

Deposition Of Plaintiff Donato Aponte And Selected Exhibits

Part 2

	Page 125		Page 127
. 1	A I continue saying that that's on paper.	1	Q Did you receive a diagnosis from a physician that you
2	Q But, you don't know what would happen because you never		had diabetes?
3	filed a Complaint. Isn't that true?	3	A I went into the Emergency Room with a six hundred and
4	A Would you have done it?	4	fifty blood sugar.
5	Q I'm asking you the questions, sir.	5	Q And, approximately, what day was that?
6	A Well, I had to work to support my family. I had to do	6	A That was on August 26, 2005. I was working doing a
. 7	everything possible to keep my job and to continue on with things	7	special study in Cervecería India. It was a Friday.
8	like that.	8	The Treatment Plant Operator noticed I was having some
9	Q Okay, so you knew that there was a policy, but you	9	weird symptoms. He forced me to go to the clinic and, in the
10	never made a verbal complaint, and you never submitted a written	10	clinic, I had a two hundred and fifty blood sugar.
11	complaint. Is that true?	11	Q Okay, which clinic was this? Was this the company
12	A That's correct, but it was discussed in the group, in	12	clinic?
13	the meetings that were done, and the comments that Mr. Castillo	13	A The clinic at Cervecería India.
14	would make.	14	Q Okay, and what did you notice about yourself?
15	Q Okay, are you talking us you made a complaint, under	15	A Who, the Operator or me?
16	this policy, to Mr. Castillo?	16	Q What did you notice about yourself? Were you dizzy, did
17	A No.	17	you have headaches, did you have a loss of coordination?
18	Q Did you make a complaint, under this policy, to Mr.	18	A I was urinating a lot, I was sweating a lot, blurry
19	Duggal?	19	vision. I was like shaking.
20	A No.	20	Q Okay, anything else?
21	Q Did you make a complaint, under this policy, to Mr.	21	A And, I didn't see very well, I didn't see very well.
22	Ortiz?	22	
23	A No.	23	Q Okay, now you have a family history of diabetes, don't you?
24	Q Now, you also said that, during this time period, Mr.	24	
25	Santiago was there. Is that right? From 2001, was he still there?	25	A Yes, that's correct.
	Samago was more. Is that right: 110m 2001, was he still there:		Q Did anybody in your family die of diabetes?
	Page 126		Page 128
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32 (Pages 125 to 128)

ŀ	Page 129		Page 131
1	_	1	
1 2	me home and take the vehicle also.	1 2	A That's correct.
3	Q And, isn't it a fact that, when you called Mr. Duggal, you told him that your brother was going to pick you up?	3	Q And, in fact, you developed some strong personal relationships with your clients by relating to them and going to
4	A No.	3 4	have dinner with them and having drinks with them, didn't you?
5		5	-
6	Q Okay, what's the name of your brother? A Iván Aponte.	6	A That's true, but I didn't drink.
7	Q And, how old is he?	7	Q Okay, all right, and let's talk a little bit let's finish up on the hospital.
8	A Now, about forty.	8	You called and spoke to Mr. Duggal about two or 3:00
9	Q And, it's your testimony that you never spoke to your	9	P.M., and you'll get to ask Mr. Duggal his questions about what
10	brother, on the day that you were diagnosed, about taking you	10	he said. But, you deny that you told him your brother was going
11	home? Is that right?	11	to pick you up. Is that correct?
12	A No, I spoke to my brother, and he went by the hospital.	12	A That's correct, because I remembered that my brother
13	But, I told him that I was going to be picked up from Nalco.	13	was in the area much later after I called them.
14	Q So, you don't recall telling Mr. Duggal that your	14	Q Okay, and you remember all these events very
15	brother was going to pick you up at the hospital? Your brother	15	specifically, even though you said a little a few minutes ago
16	was there or coming by the hospital. He was going to pick you up		that you were dizzy, and your blood sugar was very, very high? Is
17	and take you home. You don't remember telling him that?	17	that right?
18	A No, no, because I spoke to my brother after I had	18	A That's correct, and I remember specifically because, at
19	spoken to the personnel from Nalco.	19	that time, I had a wife who wanted to pick me up, and I told her
20	Q And, you called Mr. Duggal between two and three	20	not to do so because we had a two month old baby whom she was
21	o'clock in the afternoon. Is that correct?	21	breast-feeding, and that she couldn't come and pick me up.
22	A Yes, that's correct.	22	Q Okay, that's not in the papers that you filed with the
23	Q Okay, and he told you that they were relating with	23	Court. There's no reference to your wife. Did you just remember
24	PREPA, P-R-E-P-A, the company we talked about earlier today.	24	that right now?
25	That's what he told you, correct?	25	A Yeah.
	Page 130		Page 132
1	Page 130 A That's correct, and they told me that, after that, they	1	
1 2		1 2	Q Okay, so, when you signed these Answers and swore to
	A That's correct, and they told me that, after that, they		
2	A That's correct, and they told me that, after that, they were coming to pick me up, that I should call when I was about to	2	Q Okay, so, when you signed these Answers and swore to them, under oath, you didn't remember anything about your wife
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Donato Aponte-Navedo

	Page 133		Page 135
1 Q Okay, in your verified statement here,	you said that 1	l A	Yes, yes.
2 Mr. Duggal called you you called Mr. Dug	- 1		ATTORNEY LIES: Let's take a break.
3 he was drunk. He didn't tell you he was drun		3	(Off the record.)
4 A Yeah.	4	4	(Brief recess.)
5 Q You just told me that you made a self	diagnosis. He 5	5	(Back on the record.)
6 didn't say "I'm drunk.", did he?	6	5	ATTORNEY LIES: Back on the record.
7 A Can I clarify?	7	7 BY A	TTORNEY LIES:
8 Q I want an answer whether or not he sa	aid to you "I'm 8	3 Q	Before the break, we were talking about the date that
9 drunk."?	9	9 you re	eceived the diagnosis of diabetes and what occurred on that
10 A Yes.	10	o partic	ular day. You recall that, do you not, sir?
11 Q Okay, what else did he say?	11	l A	Yes.
12 A That they were going to go up to whe		2 Q	And, you are claiming as your disability in this case
13 were going to go to Ponce to drop off the car,		3 that y	ou have Diabetes Type II. Is that correct?
14 would pick me up. At that time, I told them "	-		Yes.
15 with it.".	15	•	
16 Q Okay, in fact, you told Mr. Duggal no	- 4	•	diabetes right now?
17 you? That's what you said in your Sworn Sta			,
18 A Of course. I told him not to worry bed	į.	•	And, what medication?
19 going to do?	19		Right now, I'm taking Metformin.
Q Did you tell Mr. Duggal that you wou		•	How do you spell that?
21 asked him if you could take a cab, and the co			•
22 it?	22	•	Metformin, okay. And, how frequently do you take that?
23 A No, no.	23		Twice a day.
24 Q Okay, did you ask Mr. Duggal to have	- 1	_	Do you test your blood sugar?
25 else from the company to pick you up?	25	5 A	Yes.
	Page 134		Page 136
1 A No.	1	l Q	How frequently?
2 Q Okay, did you then call your wife	up and ask her to 2	2 A	At least once a day.
3 come and pick you up?	3	•	, j
4 A No.	4	-	pout your normal activities. Are you still able to get out
Q Did you call your brother, at that p	1		in the morning?
6 ask him to come and pick you up?	.6		Yes, that's correct.
7 A My brother was already in Dorado	1	•	Are you able to brush your teeth?
8 Q That's not my question. The questi	- 1		
9 your brother?	9	•	Are you able to get yourself dressed?
10 A No.	10		That's right.
11 Q Okay, so you drove home, slowly		-	Are you able to bathe yourself, shave, shower and groom
12 blurred vision. Is that right? 13 A Yes, that's correct.	12	-	
1 13 A Yes, that's correct.	13		Yes. Are you able to drive a car?
i ·	the hospital. Is that 14	4 Q	Are you able to drive a car?
14 Q The doctor had released you from	- 1		
14 Q The doctor had released you from 15 correct?	15		Yes.
14 Q The doctor had released you from 15 correct? 16 A Yes.	15 16	5 Q	Yes. Are you able to perform work around your house, keeping
14 Q The doctor had released you from 15 correct? 16 A Yes. 17 Q The doctor didn't tell you that you	couldn't drive, did 17	5 Q 7 your h	Yes. Are you able to perform work around your house, keeping nouse clean?
14 Q The doctor had released you from 15 correct? 16 A Yes. 17 Q The doctor didn't tell you that you 18 he?	couldn't drive, did 17	6 Q 7 your b 3 A	Yes. Are you able to perform work around your house, keeping house clean? Yes, but sometimes I get tired a lot.
14 Q The doctor had released you from 15 correct? 16 A Yes. 17 Q The doctor didn't tell you that you 18 he? 19 A No.	couldn't drive, did 15 16 17 18	Q 7 your b 3 A 9 Q	Yes. Are you able to perform work around your house, keeping house clean? Yes, but sometimes I get tired a lot. Okay, are you able to buy groceries?
14 Q The doctor had released you from 15 correct? 16 A Yes. 17 Q The doctor didn't tell you that you 18 he? 19 A No. 20 Q How fast did you drive on the way	couldn't drive, did 17 18 19 home? You said "I 20	Q Q your h	Yes. Are you able to perform work around your house, keeping house clean? Yes, but sometimes I get tired a lot. Okay, are you able to buy groceries? Yes.
14 Q The doctor had released you from 15 correct? 16 A Yes. 17 Q The doctor didn't tell you that you 18 he? 19 A No. 20 Q How fast did you drive on the way 21 drove slowly.". How slow were you driving	couldn't drive, did 17 18 19 home? You said "I 20 21	Q your h	Yes. Are you able to perform work around your house, keeping house clean? Yes, but sometimes I get tired a lot. Okay, are you able to buy groceries? Yes. Are you able to cook or prepare meals?
14 Q The doctor had released you from 15 correct? 16 A Yes. 17 Q The doctor didn't tell you that you 18 he? 19 A No. 20 Q How fast did you drive on the way 21 drove slowly.". How slow were you driving 22 A Like forty, forty-five miles.	couldn't drive, did 17 18 19 7 home? You said "I 20 21 22	6 Q 7 your h 8 A 9 Q 0 A L Q A	Yes. Are you able to perform work around your house, keeping house clean? Yes, but sometimes I get tired a lot. Okay, are you able to buy groceries? Yes. Are you able to cook or prepare meals? Yes.
14 Q The doctor had released you from 15 correct? 16 A Yes. 17 Q The doctor didn't tell you that you 18 he? 19 A No. 20 Q How fast did you drive on the way 21 drove slowly.". How slow were you drivin 22 A Like forty, forty-five miles. 23 Q Forty-five miles per hour?	couldn't drive, did 17 18 19 7 home? You said "I 20 19 22 23	5 Q 7 your h 8 A 9 Q 10 A 11 Q 12 A 13 Q	Yes. Are you able to perform work around your house, keeping house clean? Yes, but sometimes I get tired a lot. Okay, are you able to buy groceries? Yes. Are you able to cook or prepare meals? Yes. I think you already answered this in your answers. But,
14 Q The doctor had released you from 15 correct? 16 A Yes. 17 Q The doctor didn't tell you that you 18 he? 19 A No. 20 Q How fast did you drive on the way 21 drove slowly.". How slow were you driving 22 A Like forty, forty-five miles.	couldn't drive, did 17 18 19 7 home? You said "I 20 21 22	5 Q 7 your h 8 A 9 Q 10 A 11 Q 12 A 13 Q 14 are yo	Yes. Are you able to perform work around your house, keeping house clean? Yes, but sometimes I get tired a lot. Okay, are you able to buy groceries? Yes. Are you able to cook or prepare meals? Yes.

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Donato Aponte-Navedo

throw a baseball with them at all? A No. I don't play baseball with them. Q Okay, what kind of games do you play with your kids? A We play in the house, sometimes I take him to ride his bisycyle. A We play in the house, sometimes I take him to ride his bisycyle. A Pea, I take them to swim, yes. Q Okay, day ou ever take them on walks? A Yes, I take them to swim, yes. A What other activities do you and Belkis do with the house? A It's not very common. A It's not very common. A It's not very common. Q Okay, are you able to fix things around the house? A Some, yes. A Some, yes. A Yes. Q Okay, can you operate a vacuum in your house? A Yes, but I dan't. Q Okay, can you do laundry? Q Okay, can you do laundry? Q Okay, can you do laundry? A The machine does it, yes. Q Okay, can you do laundry? A Yes. Q Okay, and are you able to work? Is that right? A Yes. Q Okay, and are you able to work? Is that right? A Yes. Q Ob you ever drive your children places? Page 138 Page 140 A Yes. Q What kind of hobbies do you have? A The first day of school we took the kids together to do lings together? A A Hobbies, bonasis. A Yes. Q What kind of hobbies do you have? A Desamines. A Yes. Q Okay, how long have you had that hobby? A Little ones. A Add, han she reason that you don't go out to dinner with the children? A The first day of school we took the kids together to do lings together? A The first day of school we took the kids together to do lings together? A The first day of school we took the kids together to do lings together? A The first day of school we took the kids together to do lings together? A Town we practically don't do it. Q Oway, when you and Belkis take the children out together to do lings together? A Coway, how hong have you had that hobby? A A Hash and the children? A TORNEY LIES: A Pos. B WATTORNEY LIES: A Pos. A Defore, I tried to do it approximately wice a month. A No. D A Deform the mail Belkis see each other, on a daily basis? A Coway, and what did you drink		Page 137		Page 139
2 throw a basehall with them at all? 3 A No, I don't play baseball with them. 4 Q Okay, what type of games do you play with your kids? 5 A We play in the house, sometimes I take him to ride his bicycle. 7 Q Do you ever take your kids swimming? 8 A Yes, I take them to swim, yes. 9 Q Okay, do you can belikis do with the bids? 9 Q Okay, do you ever take them on walks? 11 A If son ever yourmon. 11 Q Okay, are you able to fix things around the house? 12 A Some, yes. 13 Q Okay, can you operate a vacuum in your house? 14 A Yes. 15 Q Can you make your bed? 16 A Yes, but I don't. 17 Q Okay, can you wash dishes? 18 A Yes, but I don't. 18 A Yes. 19 Q Okay, and you wash dishes? 19 Q Okay, and you wash dishes? 10 Q Okay, and are you able to work? Is that right? 20 A The machine does it, yes. 21 Q Okay, and are you able to work? Is that right? 22 A Yes. 23 Q And, you're currently able to work? Is that right? 24 A Yes. 25 Q Do you ever drive your children places? 26 A Yes. 27 Q What dind of hobbies do you had belkis take your children places? 28 A Yes. 29 Q What third of hobbies do you had belkis take your children out, what the children anymore with Belkis? 3 Q Okay, how long have you had that hobby? 4 A Itegam in 1980. I stopped in 1982 to go to college. 3 And, then, as a method to lower stress, began with it again in your house. 3 A Okay, how long have you had that hobby? 4 A Pes. 4 A Yes. 5 A Almos a washed one were railed and officially any official of hobies do you and belkis take your children out, what type of activities do you and Belkis take when the movies. 4 A Yes. 5 Q Okay, then you and belkis take your children out to dinner to someplace, about drinking. 5 Q Okay, how you and belkis take when the movies are a through the children? 5 A Internet and the power stress, began with it again in your house? 5 A Little owns. 6 Q Okay, how you and belkis take your children out, what type of activities do you and belkis and part of the children? 5 A A Hoshisa, board of the house of the work? 5 A A Hoshisa, board of the hou	1	Q What kind of games do you play with your kids? Do you	1	Q Do you see each other once a week?
A No, I don't play baseball with them. Q Okny, what type of games do you play with your kids? Ne play in the house, sometimes I take him to ride his bicycle. D O Do you ever take your kids swimming? A Yes, I take them to swim, yes. Q Okay, do you ever take them on walks? I Q Okay, do you ever take them to with yes. A Yes, I take them to the pool, when we go out for Daniel to Kay, do you ever take them on walks? A If's not very common. Q Okay, and you able to fix hings around the house? A Some, yes. Q Okay, and you able to fix hings around the house? A Yes. Q Okay, can you able to fix hings around the house? A Yes. Q Okay, can you able to work on your computer? A Yes. Q Okay, can you do ble to work on your computer? A Yes. Q Okay, and aroy onable to work on your computer? A Yes. Q Do you ever drive your children places? A Yes. Q Do you ever drive your children places? A Held to ons. A Holbis, bonsais. Q Okay, hon you and Belkis do with the holidlen? A The machine does it, yes. Page 138 Page 140 Together with the children? A The machine of hobbies do you have? A Yes. Q Do you ever drive your children places? A Yes. Q Okay, now you do ble to work? Is that right? A Yes. Q Okay, now you well to work? Is that right? A Yes. Q Okay, now you do held hobby? A It began in 1980. I scopped in 1982 to go too college. And, then, as a method to lower stress, I began with it again in 2006. Q Okay, how you and Belkis take your children out, what type of activities do you and Belkis do to to college. A Afmost always we go to Element on Ity kites. Q Okay, who we were talking about disables before, about drinking. Do you recall that, that you don't fink? A A Monot always we go to Element on Ity kites. Q Okay, not you do with the children any of the children and what did you dow with the children? A A Monot always we go to Element on Ity kites. Q Okay, both was the last time you had a drink of alcohol? Hun? A TORNEY CUADROS-PESQUERA: El Moro, the fortess. BY ATTORNEY LES: Q Okay, t	2			•
4 Q Okay, when you and Belkis take your hildren places? 5 A We play in the house, sometimes I take him to ride his bicycle. 6 Q Do you ever take your kids swimming? 7 Q Okay, do you ever take them on walks? 9 Q Okay, do you ever take them on walks? 10 A If snot very common. 11 Q Okay, are you able to fix things around the house? 12 A Sone, yes. 13 Q Okay, can you operate a vacuum in your house? 14 A Yes. 15 Q Can you make your bed? 16 A Yes, but don't. 17 Q Okay, can you wash dishes? 18 A Yes, but don't. 19 Q Okay, can you wash dishes? 19 Q Okay, can you wash dishes? 10 Q Okay, and you wash dishes? 11 A Yes. 12 Q Okay, and you wash dishes? 12 Q Okay, and you wash dishes? 13 Q Okay, and you wash dishes? 14 A Yes. 15 Q O Do you ever drive your children places? 16 A Yes. 17 Q Okay, and you follow the well of the currently able to work? Is that right? 18 A Yes. 19 Q Okay, and you follow the well of the currently able to work? Is that right? 19 A The machine does it, yes. 20 Q Do you ever drive your children places? 21 Q Okay, and you follow the well did not hobbics do you have? 22 A Yes. 23 Q Do you ever drive your children places? 24 A Yes. 25 Q Do you ever drive your children places? 26 Q What kind of hobbics do you have? 27 A Little ones. 28 And, then, as a method to lower stress, lbegan with it again in your house of the children anymore with flekkis? 29 And, then, as a method to lower stress, lbegan with it again in your house of the children out, what your object before, when we were talking about diabetes before, about drinking. Do you recall that, that you don't go down thin the hildren? 20 And, what was the occasion? 21 A Sometimes we go out for Daniel to ride a little bit his bicycle, and sometimes, but rarely, to the works. 22 Q And, do you also go to celebrate your children on the movies. 24 A Yes, the movies. 25 Q And, what the children on the movies. 26 Q And, what the the dillideren? 27 A Little constant the children on the children? 28 A Hobbics, bonsain. 39 Q Okay, how you and Belkis take your chil	3	A No, I don't play baseball with them.	3	
5 bicycle. 7 Q Do you ever take your kids swimming? 8 A Yes, I take them to swim, yes. 9 Q Okay, do you ever take them on walks? 10 A If's not very common. 11 Q Okay, are you able to fix things around the house? 12 A Some, yes. 13 Q Okay, are you able to fix things around the house? 14 A Yes. 15 Q Cany you make your bed? 16 A Yes, but I don't. 17 Q Okay, can you wash dishes? 18 A Yes. 19 Q Okay, and une you had and they? 19 Q Okay, and are you able to work on your computer? 20 A The machine does it, yes. 21 Q Okay, and are you able to work on your computer? 22 A Yes. 23 Q And, you're currently able to work? Is that right? 24 A Yes. 25 Q Do you ever drive your children places? 26 Q What kind of hobbies do you have? 27 A Degan in 1980. I stoppd in 1982 to go to college. 28 And, then, as a method to lower stress, I began with it again in 2006. They make you had that hobby? 29 A A limost always we go to El Moro to fly kites. 20 Q Doy you and Belkis take your children out together to don't hips together? 21 A Sometimes. 22 A A limost always we go to El Moro to fly kites. 23 Q And, then, as a method to lower stress, I began with it again in 200 Restrivites do you and Belkis take the children out, what type of activities of you and Belkis take the children out together to don't finite. 24 A Ses. 25 Q Do you on and Belkis take bour children out together to don't finite stating about distinct that you don't drink. 26 Q Okay, how you had belkis take the children out, what type of activities do you dow thit he children out together to don't finite. 26 Q Nay, to for the making about distinct that you and Belkis take the children out, what type of activities do you dow thin the children out together to don't finite. 27 A Sometimes. 28 Q And, what is the reason that you and Belkis and that hobby? 39 A Hobbies, honsais. 40 Q Do you and Belkis take the children out together to don't finite. 41 A Sometimes. 42 Q Row, to fly kites, okay. And, how often do you do don't here? 43 A A limost always we go to El Moro to fly kites. 44	4		4	
6 bispecte. 7 Q Do you ever take your kids swimming? 8 A Yes, I take them to swim, yes. 9 Q Okay, do you ever take them on walks? 10 A If so not every common. 11 Q Okay, can you oble to fix things around the house? 12 A Some, yes. 13 Q Okay, can you operate a vacuum in your house? 14 A Yes. 15 Q Can you make your bed? 16 A Yes, but I don't. 17 Q Okay, can you wash dishes? 18 A Yes, but I don't. 19 Q Okay, can you wash dishes? 19 Q Okay, can you do laundry? 20 A The machine does it, yes. 21 Q Okay, and are you able to work on your computer? 22 A Yes. 23 Q And, you're currently able to work? Is that right? 24 A Yes. 25 Q Do you ever drive your children places? 26 Q What kind of hobbies do you have? 27 A Yes. 28 Q What kind of hobbies do you have? 3 A Hobbies, bonsais. 4 Q Is that working on trees? 4 A Yes. 5 A Little ones. 6 Q Okay, how long have you had that hobby? A I began in 1980. I stopped in 1982 to go to college. And, then, as a method to lower stress, I began with it again in 2006. 10 Q Do you and Belkis take the children out together to do things together? 11 A Posnetimes. 12 Q Okay, nony long have you had that hobby? A I began in 1980. I stopped in 1982 to go to college. And, then, as a method to lower stress, I began with it again in 2006. 10 Q Do you and Belkis take two children out together to do things together? 11 A Posnetimes. 12 Q Okay, how you and Belkis take the children out together to do things together? 13 A Posnetimes. 14 Q Okay, to 19 kites. 15 A Little ones. 16 Q Okay, how you and belkis take the children out together to do things together? 16 A Posnetimes. 17 A Posnetimes. 18 BY ATTORNEY CUADROS-PESQUERA: El Moro, the fortress 18 BY ATTORNEY CUADROS-PESQUERA: El Moro, the fortress 18 BY ATTORNEY ULBRO, And how often do you do that? 21 A Before, I tried to do it approximately twice a month. 22 Aduly basis? 23 A Posnetimes. 24 A Posnetimes were you when you	5		5	A No.
7 Q Do you ever take your kids swimming? 8 A Yes, I take them to swim, yes. 9 Q Okay, do you ever take them on walks? 10 A If's not very common. 11 Q Okay, are you able to fix things around the house? 12 A Some, yes. 13 Q Okay, can you operate a vacuum in your house? 14 A Yes. 15 Q Can you make your bed? 16 A Yes, but I don't. 17 Q Okay, can you doel aundry? 18 A Yes. 19 Q Okay, and you wash dishes? 19 Q Okay, and you do laundry? 10 A The machine does fit, yes. 11 Q Okay, and are you able to work on your computer? 12 A Yes. 13 Q Okay, and are you able to work on your computer? 14 A Yes. 15 Q Okay, and are you able to work? Is that right? 16 A Yes. 17 Q Okay, and are you able to work? Is that right? 18 A Yes. 29 Q Do you ever drive your children places? 20 A The machine does it, yes. 21 Q Okay, and are you able to work? Is that right? 22 A Yes. 23 Q And, you're currently able to work? Is that right? 24 A Yes. 25 Q Do you ever drive your children places? 26 Q What kind of hobbies do you have? 27 A Hobbies, bonsais. 30 A Hobbies, bonsais. 40 Q Is that working on trees? 41 A A Yes. 42 A A The first day of school we took the kids together to do himse together? 42 A A The first day of school we took the kids together to do himse together? 43 A A The first day of school we took the kids together to do himse together? 44 A A The first day of school we took the kids together to do himse together? 45 A A The first day of school we took the kids together to do himse together? 46 A A The first day of school we took the kids together to do himse to do with the children out together to do himse together? 46 A A The first day of school we took the kids together to do himse together? 47 A The first day of school we took the kids together to do himse together? 48 A The first day of school we took the kids together to do himse to the first do	6		6	O What other activities do you and Belkis do with the
8 A Ves, Itake them to swim, yes. 9 Okay, do you ever take them on walks? 10 A It's not very common. 11 Q Okay, are you able to fix things around the house? 12 A Some, yes. 13 Q Okay, an you operate a vacuum in your house? 14 A Yes. 15 Q Can you make your bed? 16 A Yes, but don't. 17 Q Okay, can you wash dishes? 18 A Yes, Use of the movies. 19 Q Okay, and you wash dishes? 19 Q Okay, and you wash dishes? 19 Q Okay, and are you able to work on your computer? 20 A The machine does it, yes. 21 Q Okay, and are you able to work on your computer? 22 A Yes. 23 Q And, your currently able to work? Is that right? 24 A Yes. 25 Q Do you ever drive your children places? 26 Q What kind of hobbies do you have? 3 A Hobbies, bonsais. 4 Q Is that working on trees? 4 A Yes. 2 Q What kind of hobbies do you have? 4 A Yes. 2 Q What kind of hobbies do you have? 5 A Little ones. 6 Q Okay, how you for the work of the movies. 10 Q Do you and Belkis take your children out together to do things together? 11 Little ones. 12 Q Okay, and belkis take your children out together to do things together? 13 A Sometimes. 14 A Yes. 15 A Yes. 16 D D you and Belkis take your children out together to do things together? 17 A Ramost always we go to El Moro to fly kites. 18 BY ATTORNEY CUADROS-PESQUERA: El Moro, the fortress that? 18 PA TTORNEY CUADROS-PESQUERA: El Moro, the fortress that? 24 dally basis? 24 dally basis? 25 Q How frequently do you and Belkis see each other, on a dall shall shall? 26 A Wash given you and Belkis sake the children out, what type of activities do you do thing the children? 27 A Do you and the like them to together to do than? 28 Q Okay, theny you and Belkis see each other, on a dall shall you don't do it. 29 Q Okay, theny ou and Belkis see each other, on a dall shall you don'the? 20 Q Okay, they was the tocasion? Where were you when you whe	7	- I	7	
9 Q Okay, do you ever take them on walks? 9 lor ride a little bit his bicycle, and sometimes, but rarely, to the movies. 10 Q Okay, are you able to fix things around the house? 11 Q Okay, are you oberate a vacuum in your house? 12 A Some, yes. 13 Q Okay, can you operate a vacuum in your house? 14 A Yes. 15 Q Can you make your bed? 16 A Yes, but I don't. 17 Q Okay, can you wash dishes? 18 A Yes. 19 Q Okay, can you do laundry? 20 A The machine does it, yes. 21 Q Okay, and are you able to work on your computer? 22 A Yes. 23 Q And, you're currently able to work? Is that right? 24 A Yes. 25 Q Do you ever drive your children places? 26 Q Do you ever drive your children places? 27 A Yes. 28 Q What kind of hobbies do you have? 29 A Hobbies, bonsais. 20 Q Skay, how long have you had that hobby? 30 A Hobbies, bonsais. 40 Is that working on trees? 41 A Lette mes. 42 Q Okay, now land Belkis take the children out, what they of artivities do you do with the children? 43 A Hobbies, bonsais. 44 Little ones. 45 Q Do you and Belkis take the children out, what they of artivities you do with the children? 46 Q Okay, how long have you had that hobby? 47 A I began in 1980. I stopped in 1982 to go to college. 48 And, then, as a method to lower stress, I began with it again in 2006. 49 Okay, how long have you had that hobby? 50 A A Inegan in 1980. I stopped in 1982 to go to college. 50 A A Chansat always we go to El Moro to fly kites. 51 Q Okay, who you and Belkis take the children out, what they of artivities do you do with the children? 51 A A Before, I tried to do it approximately twice a month. 52 A Before, I tried to do it approximately twice a month. 53 Q Okay, to fly kites, okay. And, how often do you do land? 54 A Before, I tried to do it approximately twice a month. 55 A Lowe practically don't do it. 56 Q Okay, to fly kites, okay. And, how often do you do land? 57 A Before, I tried to do it approximately twice a month. 58 Q Okay, the fly kites, okay. And, how often do you do land belkis see each other, on a land. 57 A Before,	8	· · · · · · · · · · · · · · · · · · ·	8	A When I take them to the pool, when we go out for Daniel
the movies. 10	9		9	• • • • •
11	10		10	The state of the s
12 A Some, yes. 13 A Yes. 14 A Yes. 15 Q Can you make your bed? 15 16 A Yes, but I don't. 16 A Yes, but I don't. 17 Q Okay, can you wash dishes? 17 Q And, what other activities do you and Belkis get together on Christmas. 18 A Yes. 19 Q Okay, can you do laundry? 19 Q Okay, can you do laundry? 19 A Sometimes we go to the mall. Before, we used to go out to dinner to someplace, but now it's been almost like six months, about six months, that we don't do it anymore. 20 And, what is the reason that you don't go out to dinner to someplace, but now it's been almost like six months, about six months, that we don't do it anymore. 20 And, what is the reason that you don't go out to dinner to someplace, but now it's been almost like six months, about six months, that we don't do it anymore. 20 And, what is the reason that you don't go out to dinner to someplace, but now it's been almost like six months, about six months, that we don't do it anymore. 20 And, what is the reason that you don't go out to dinner to someplace, but now it's been almost like six months, about six months, that we don't do it anymore. 20 And, what is the reason that you don't go out to dinner to someplace, but now it's been almost like six months, about six months, that we don't do it anymore. 20 And, what is the reason that you don't go out to dinner to someplace, but now it's been almost like six months, about six months, that we don't do it anymore. 20 And, what is the reason that you don't go out to dinner to someplace, but now it's been almost like six months, about six months, that we don't do it anymore. 20 And, what is the reason that you don't go out to dinner to someplace, but now it's been almost like six months, that we don't do it anymore. 20 And, what was the doct of the with the children out to what it again in	11	· · · · · · · · · · · · · · · · · · ·	11	Q And, do you also go to celebrate your children's
13 Q Okay, can you operate a vacuum in your house?	12		12	
14 A Yes. Q Can you make your bed? A Yes, but I don't. 15 bolidays, say for Christmas, with the children? Q Okay, can you wash dishes? 17 Q Okay, can you do laundry? 18 A Yes. 19 Q Okay, can you do laundry? 20 A The machine does it, yes. 21 Q Okay, and are you able to work on your computer? 22 A Yes. 23 Q And, you're currently able to work? Is that right? 24 A Yes. 25 Q Do you ever drive your children places? 26 Q Do you ever drive your children places? 27 Q What kind of hobbies do you have? 28 A Hobbies, bonsais. 4 Q Is that working on trees? 29 A A I began in 1980. I stopped in 1982 to go to college. A And, then, as a method to lower stress, I began with it again in 2000c. A Do you and Belkis take your children out together to do things together? A Sometimes. 29 What kind of hobbies do you have? 3 A Hobbies, bonsais. 4 Q Is that working on trees? 5 A Little ones. 5 A Little ones. 5 A Color, the work it is again in 1980. I stopped in 1982 to go to college. 6 And, then, as a method to lower stress, I began with it again in 2000c. 8 And, then, as a method to lower stress, I began with it again in 2000c. 10 Q Do you and Belkis take pour children out together to do things together? 11 A Let me remember. It was July 15th of this year. 12 Q And, what was the occasion? 13 Q Okay, then you do with the children? 14 A Yes. 25 Q And, what did you have to drink? 16 Q To what? A TTORNEY ULADROS-PESQUERA: El Moro, the fortress. It has a fairline of alcoholic liquids? 17 A Before, I tried to do it approximately twice a month. 18 A Perior Little bil of coquitio. 29 A Histile bil of coquitio. 20 Okay, the fly kites, okay. And, how often do you do that? 40 A Before, I tried to do it approximately twice a month. 20 Now, we practically don't do it. 21 A Before, I tried to do it approximately twice a month. 22 Now, we practically don't do it. 23 Adally basis? 24 A Pinancial. 25 Q And, what was that occasion? Where were you when yo	13			•
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· · · · · · · · · · · · · · · · · · ·	21 22	Now, we practically don't do it.		 -
(21 22 23	Now, we practically don't do it. Q How frequently do you and Belkis see each other, on a	23	BY ATTORNEY LIES:

35 (Pages 137 to 140)

	Page 141		Page 143
1	A At home, in a family gathering.	1	I would keep that drink in my hands all night or some orange
2	Q Was Belkis there?	2	juice, and just keep that orange juice in my hands all night.
3	A Yes, it was Belkis' family, the children, and we were	3	Q Did anyone go around, at any of the sales meetings, and
4	all at home, and my family also.	4	take a count about whether or not you were drinking alcoholic
5	Q Which home? Which home were the people at?	5	beverages or not? Did somebody keep track of that?
6	A Of Toa Baja.	6	A No.
7	Q At Belkis' house?	7	Q Did anyone ever come up to you and say "Are you just
8	A Yes.	8	drinking orange juice or is that alcohol?"? Did anybody ever come
9	Q Okay, do you go over to Belkis' house for family	9	up and ask you that?
10	events?	10	A No.
11	A Yes, my children are there.	11	Q Did anybody ever come up and say to you "Gee, you've
12	Q Okay, and would it be a fair statement you're at	12	been drinking the same beer all night."?
13	Belkis' house at least once a week?	13	A That did happen.
14	A Yes, and that's how it's stated in the divorce	14	Q Okay, and who came up to you?
15	Complaint.	15	A Any one of the other salespersons that was there. And,
16	Q Okay, now you said that you were starting to tell us	16	I was at a place in Columbia where somebody came up to me with a
17	a little bit about drinking at company events. Do you recall	17	cup, and they gave instructions to somebody else and told them
18	that?	18	that that cup had to be empty, that that cup couldn't have
19	A Yes.	19	anything in it (sic).
20	Q You attended company events that were for the sales	20	Q Okay, all right, and what was in the cup?
21	organization, didn't you?	21	A Ron Caldas, eight years.
22	A Yes, that's correct.	22	Q Okay, and when was that?
23	Q And, if you wanted to have an alcoholic drink, you	23	A That was in Chinchiná, Columbia.
24	could? Is that right?	24	Q Approximately, when?
25	A Yes.	25	A I'm sorry, it was in Pereira in Pereira.
	Page 142		Page 144
1	Q And, if you wanted to drink a soft drink, you could	1	Q When?
2	drink that too, couldn't you?	2	A I am searching. I don't remember when that was. I went
3	A Yes.	3	to give a training to the Columbian sales force on 3D Trasar, and
4	Q And, if you wanted to drink water, you could drink	4	that was in May, 2007, if I'm not mistaken.
5	water, couldn't you?	5	Q And, did you drink whatever was in that drink?
6	A Yes, that's correct.	6	A At that time, yes.
7	Q And, at some of the occasions, you had a drink? Is that	7	Q Okay, and did the other sales people who were there
8	right?	8	take the drink?
9	A Yes, to be within the group.	9	A Yes.
10	Q Okay, and no one told you that you had to have a drink?	10	Q Okay, was this kind of a custom, they passed this drink
11	No one walked up to you and handed you a drink and said "You have	11	around to see if everybody wanted a drink? Was it some type of a
12	to drink this drink.", did they?	12	Columbian custom?
13	A No, but it was said that one of the requirements to be	13	A Up to a certain point, yes.
14	of Nalco was that you had to drink.	14	Q Okay, so you drank one drink is that right this
15	Q And, in some of the occasions, you didn't have any	15	drink in Columbia that had some rum in it?
		15 16	drink in Columbia that had some rum in it? A No, it was like three.
15	Q And, in some of the occasions, you didn't have any		
15 16	Q And, in some of the occasions, you didn't have any alcohol to drink? Is that right?	16	A No, it was like three.
15 16 17	Q And, in some of the occasions, you didn't have any alcohol to drink? Is that right? A Correct.	16 17	A No, it was like three.Q And, did other people there drink three drinks?
15 16 17 18	Q And, in some of the occasions, you didn't have any alcohol to drink? Is that right? A Correct. Q Okay, and, for many years, you went to events and you	16 17 18	A No, it was like three.Q And, did other people there drink three drinks?A More.
15 16 17 18 19	Q And, in some of the occasions, you didn't have any alcohol to drink? Is that right? A Correct. Q Okay, and, for many years, you went to events and you didn't have any alcohol to drink is that right sales	16 17 18 19	A No, it was like three.Q And, did other people there drink three drinks?A More.Q Okay, so you drank less than everybody else?
15 16 17 18 19 20	Q And, in some of the occasions, you didn't have any alcohol to drink? Is that right? A Correct. Q Okay, and, for many years, you went to events and you didn't have any alcohol to drink is that right sales events you didn't have any alcohol to drink? Is that right?	16 17 18 19 20	 A No, it was like three. Q And, did other people there drink three drinks? A More. Q Okay, so you drank less than everybody else? A Yes, always.
15 16 17 18 19 20 21	Q And, in some of the occasions, you didn't have any alcohol to drink? Is that right? A Correct. Q Okay, and, for many years, you went to events and you didn't have any alcohol to drink is that right sales events you didn't have any alcohol to drink? Is that right? A Correct.	16 17 18 19 20 21	 A No, it was like three. Q And, did other people there drink three drinks? A More. Q Okay, so you drank less than everybody else? A Yes, always. Q Now, we've already talked about complaints and the
15 16 17 18 19 20 21 22	Q And, in some of the occasions, you didn't have any alcohol to drink? Is that right? A Correct. Q Okay, and, for many years, you went to events and you didn't have any alcohol to drink is that right sales events you didn't have any alcohol to drink? Is that right? A Correct. Q Okay, but you still kept your job even though you	16 17 18 19 20 21 22	 A No, it was like three. Q And, did other people there drink three drinks? A More. Q Okay, so you drank less than everybody else? A Yes, always. Q Now, we've already talked about complaints and the company policy concerning discrimination.

36 (Pages 141 to 144)

	Page 145		Page 147
1	didn't feel like drinking? Did you ever send a complaint about	1	Castillo came into the area every two or three months. Is that
2	that?	2	right? Is that correct?
3	A No.	3	A Correct.
4	Q So, if I understand it, there were some occasions where	4	Q Okay, so, if he came every two or three months, then
5	you went to the sales meeting and you drank nothing of alcohol.	5	you would see him four times a year if it was every two or
6	Is that right?	6	three months or maybe five times a year?
7	A Correct.	7	A Many times more.
8	Q And, there were some meetings where you went and you	8	Q Okay, well, if he only came into town ever two to three
9	had one beer. Is that right?	9	months, where else could you see him or you saw him more
10	A Yes.	10	frequently than that?
11	Q And, there were some meetings you went to and you had	11	A What happens is that Castillo would usually come for a
12	orange juice?	12	week. And, many times, on many occasions, I had to pick him up at
13	A Yes, correct.	13	the hotel. So, I would see him about four times. I'd have to pick
14	Q So, it would vary on the occasion whether or not you	14	him up four times and bring him to the office.
15	would have something to drink or not. Is that right?	15	So, that's why I would see him more times than just
16	A That's correct.	16	once during his visit. I would see him about four times during
17	Q And, you kept your job for many, many years even	17	his visit.
18	though, on some occasions, you had nothing to drink, you had one	18	Q Okay, so, when you picked him up at the hotel, which
19	beer, you had orange juice or maybe you had more than that. You	19	hotel did he stay at?
20	kept your job that whole time, didn't you?	20	A Well, usually, he liked the hotel that's in Condado.
21	A Correct.	21	The Caribe Hilton is the one on the corner. Yes, the Caribe
22	Q Did anyone ever say that you were gay because you	22	Hilton.
23	wouldn't drink?	23	Q So, you would pick him up in the morning and take him
24	A No.	24 25	to the office? Where would you take him?
2.5	Q Now, let me hand you what's been marked as Exhibit 019.	23	A Usually, I would take him to the office or to see a
	Page 146		5 1 4 0
		_	Page 148
1	ATTORNEY LIES: And, for the record, these are your	1	client that another representative would pick him up at that
2	ATTORNEY LIES: And, for the record, these are your Answers that you filed to the first set of Interrogatories,	2	client that another representative would pick him up at that location.
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37 (Pages 145 to 148)

1 2			Page 151
l	Is that correct?	1	time is short. And, many times I was late visiting these clients.
	A Yes.	2	I was until four to five in the afternoon.
3	Q And, when you met with him, did he ever tell you that	3	Q Okay, well, I asked you what information, on any
4	he expected you to drink at work?	4	documents, talked about you going home early. And, this is the
5	A Yes, that I be more a part of the group.	5	only reference you have, in Exhibit 005, that says "You cannot
6	Q Okay, and did he tell you that he wanted you to be more	6	seem to be impatient or with little time."? That's your
7	a part of the group so that you could network or make a network	7	reference?
8	with the other people at work?	8	A There's another exhibit that states that you have to
9	A No, rather after hours.	9	work ten hours or more hours, whatever time is necessary. That's
10	Q So, he told you that he wanted you to meet and get	10	what separates men from children.
11	together with the other people in the group after hours to	11	Q Okay, so let's go back to Mr. Castillo. You picked him
12	network. Is that what he told you?	12	up in the morning. He would come into town every two to three
13	A With the people at work, yes.	13	months. He'd be there for a week. You'd pick him up four or five
14	Q Okay, and did you do that?	14	mornings in the morning.
15	A On occasions, I tried, but I couldn't get home too late	15	You'd drive him into work, and you'd talk about your
16	at night. At times, I thought that the other co-workers didn't	16	families, and you'd talk about people at work and things of that
17	like being at their homes because they would get to their homes	17	nature and business. Did you talk about anything else?
18	so late.	18	A Well, he would make comments about what he had done the
19	Q Okay, so you didn't like to stay around in the evenings	19	night before.
20	and network because you wanted to get home. Is that right?	20	Q And, were you had you been with him the night
21	A That's correct, because I began work at five in the	21	before?
22	morning, and my idea wasn't to stay until seven, eight or nine in	22	A No.
23	te evening at El Mariachi. That wasn't my idea of working.	23	Q Okay, did you ever tell him that you didn't want to
24	If it was with a client, I would stay whatever time it	24	hear what he did the night before?
25	was working at a plant, but not drinking or spending time	25	A No.
	Page 150		Page 152
1	socially.	1	Q Okay, did he tell you that he wanted to go out drinking
2	Q Okay, now we looked earlier today at the Performance	2	and with women?
3	Improvement Plan that you got from the company concerning your	3	A Yes, that's the reason why he didn't like to stay at
4	clients and the problems with your clients.	4	the Four Points, in Caguas. Because, at the Four Points, he just
5	There was nothing in there criticizing you for going	5	had the casino, and there were elderly people who would go there
6	home early, was there?	6	and play.
7	A Can you give me that exhibit?	7	And, at the other hotel, there wasn't an old people
8	Q Which exhibit? There's a lot of exhibits.	8	environment. The disco was there it was close and that he
	A I think it's five.	9	could go out dancing and drinking, whatever he wanted to do.
9	PAUSE	10	Q So, he liked when he was in town and by himself, he
9 10	(Revision of documents by Deponent.)	11	liked to go out drinking and dancing? Is that what he told you?
9 10 11	A It's not this exhibit. There's another one.	12	A Yes.
9 10 11 12	PAUSE (Continued register of decuments by Denought)	13	Q And, do you know whether or not other people in the
9 10 11 12 13	(Continued revision of documents by Deponent.)	14	group ever went out dancing?
9 10 11 12 13 14		15	
9 10 11 12 13 14 15	A Okay, number ten, it says "You cannot seem to be	16	A Here, no.
9 10 11 12 13 14 15	impatient or with little time.".	16 17	Q Okay, do you know whether
9 10 11 12 13 14 15 16	impatient or with little time.". BY ATTORNEY LIES:	17	Q Okay, do you know whetherA But
9 10 11 12 13 14 15 16 17	impatient or with little time.". BY ATTORNEY LIES: Q Okay, and you understood that to mean what?	17 18	Q Okay, do you know whetherA ButQ Oh, go ahead, go ahead.
9 10 11 12 13 14 15 16 17 18	impatient or with little time.". BY ATTORNEY LIES: Q Okay, and you understood that to mean what? A That I had to be working all the time, no matter what	17 18 19	Q Okay, do you know whetherA ButQ Oh, go ahead, go ahead.A But, in the meetings outside of Puerto Rico,
9 10 11 12 13 14 15 16 17 18 19 20	impatient or with little time.". BY ATTORNEY LIES: Q Okay, and you understood that to mean what? A That I had to be working all the time, no matter what time it was, with the client.	17 18 19 20	 Q Okay, do you know whether A But Q Oh, go ahead, go ahead. A But, in the meetings outside of Puerto Rico, practically the whole group would go out dancing to discotheques.
9 10 11 12 13 14 15 16 17 18 19 20 21	impatient or with little time.". BY ATTORNEY LIES: Q Okay, and you understood that to mean what? A That I had to be working all the time, no matter what time it was, with the client. Q It says "You cannot seem to be impatient.". And, that	17 18 19 20 21	 Q Okay, do you know whether A But Q Oh, go ahead, go ahead. A But, in the meetings outside of Puerto Rico, practically the whole group would go out dancing to discotheques. Q Okay, do you like to dance?
9 10 11 12 13 14 15 16 17 18 19 20 21 22	impatient or with little time.". BY ATTORNEY LIES: Q Okay, and you understood that to mean what? A That I had to be working all the time, no matter what time it was, with the client. Q It says "You cannot seem to be impatient.". And, that didn't mean to you that he's telling you not to be in a hurry, to	17 18 19 20 21 22	 Q Okay, do you know whether A But Q Oh, go ahead, go ahead. A But, in the meetings outside of Puerto Rico, practically the whole group would go out dancing to discotheques. Q Okay, do you like to dance? A Yes.
9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	impatient or with little time.". BY ATTORNEY LIES: Q Okay, and you understood that to mean what? A That I had to be working all the time, no matter what time it was, with the client. Q It says "You cannot seem to be impatient.". And, that didn't mean to you that he's telling you not to be in a hurry, to slow down?	17 18 19 20 21 22 23	 Q Okay, do you know whether A But Q Oh, go ahead, go ahead. A But, in the meetings outside of Puerto Rico, practically the whole group would go out dancing to discotheques. Q Okay, do you like to dance? A Yes. Q Do you ever dance with Belkis?
9 10 11 12 13 14 15 16 17 18 19 20 21 22	impatient or with little time.". BY ATTORNEY LIES: Q Okay, and you understood that to mean what? A That I had to be working all the time, no matter what time it was, with the client. Q It says "You cannot seem to be impatient.". And, that didn't mean to you that he's telling you not to be in a hurry, to	17 18 19 20 21 22	 Q Okay, do you know whether A But Q Oh, go ahead, go ahead. A But, in the meetings outside of Puerto Rico, practically the whole group would go out dancing to discotheques. Q Okay, do you like to dance? A Yes.

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	Dog 152		Dana 155
	Page 153		Page 155
1	A No.	1	time, two dances?
2	Q You never danced with your first wife, okay, okay. And,	2	A Twice.
3	what type of dancing do you like?	3	Q Twice, once at each event you danced?
4	A Merengue.	4	A No, in each.
5	Q Okay, any other?	5	Q Okay, who did you dance with, people from the company
6	A Bolero, slow dancing.	6	A Yes.
7	Q Okay, do you consider yourself a good dancer?	7	Q So, you danced with people that you knew?
8	A No.	8	A Yes, that's correct.
9	Q Okay, do you step on your partner's feet?	9	Q Okay, and these were not people that you had any sexual
10	A Yes, and my own.	10	interest in? They were just people you worked with, correct?
11	Q Okay, so you have gone dancing at events, company	11	A That's correct.
12	events. Is that right or not? You never danced?	12	Q And, the people you danced with didn't touch you
13	A The only place that I danced was in Pereira.	13	inappropriately sexually, did they?
14	Q Okay, now, at some of the company events, wives could	14	A No.
15	be brought along. Is that right?	15	Q Okay, they didn't touch any of your sexual organs, did
16	A For the Service Representatives, no. For the people who	16	they?
17	are more at the top, in management, yes.	17	A Correct.
18	Q Okay, so did you ever go to any events for the company	18	Q And, you didn't touch any of their sexual organs, did
19	where Belkis was invited to come along?	19	you?
20	A There was a dinner, but there was no dancing.	20	A No.
21	Q Okay, so, when you were at a company event you said	21	Q Did you enjoy did you have fun dancing with this
22	you were at one company event and you danced. Is that right?	22	person or did you not like dancing with this person?
23	A Yes.	23	A Yes, these were people I knew, that I had known for
24	Q And, where was that company event again?	24	some time, for quite an amount of time.
25	A Well, that was when I went to give the 3D Trasar	25	Q And, what kind of dances were they?
	Page 154		Page 156
1	training for the Columbian sales force, in Chinchiná. It was	1	A Merengue.
2	during or the last night that all the group went to Pereira.	2	Q And, while you were dancing, did you talk to them?
3	That was the last night, and there was sort of a get-together.	3	A Yes, we would talk.
4	I was the only person from Puerto Rico, and they didn't	4	Q Okay, did you smile at them?
5	let me stay alone at the hotel. So, I went there, to Pereira, and	5	A Yes, when we were talking, yes.
6	that's where I danced and that's where I also had the three	6	Q And, when you were done with the dance, did you than
7	drinks. Can I make a correction?	7	them for the dance?
8	Q Sure.	8	A Of course.
9	A On two occasions, I danced, on that one and in	9	Q Okay.
10	Cartagena.	10	A In fact, one of them had visited my home and had met
11	Q So, on two occasions, you danced? At two company	11	Belkis. When she was in Puerto Rico, we gave her a ride aroun
12	events, you danced? Is that correct?	12	the island.
13	A That's correct.	13	Q What's her name?
14	Q Okay, and how many company events were there, ten,	14	A I don't remember the last name, but her name is Sandra.
	tttt		Q Would you consider her to be a friend? You invited her
15	twenty, thirty? How many events were there?	15	Q would you consider her to be a friend: I ou invited her
16	A No, that time there were I didn't go to ten. I went	16	to your house.
16 17	A No, that time there were I didn't go to ten. I went to less.	16 17	to your house. A We were with my family going around the island, yes.
16 17 18	A No, that time there were I didn't go to ten. I went to less. Q How many events did you go to?	16 17 18	to your house.
16 17 18 19	 A No, that time there were I didn't go to ten. I went to less. Q How many events did you go to? A Cancún, Merida, Cartagena, Pereira. There were two in 	16 17	to your house. A We were with my family going around the island, yes.
16 17 18 19 20	 A No, that time there were I didn't go to ten. I went to less. Q How many events did you go to? A Cancún, Merida, Cartagena, Pereira. There were two in the Dominican Republic. 	16 17 18	to your house. A We were with my family going around the island, yes. Q Okay, so you were dancing with a friend? Is that right?
16 17 18 19 20 21	A No, that time there were I didn't go to ten. I went to less. Q How many events did you go to? A Cancún, Merida, Cartagena, Pereira. There were two in the Dominican Republic. Q So, six events you went to?	16 17 18 19 20 21	to your house. A We were with my family going around the island, yes. Q Okay, so you were dancing with a friend? Is that right? A Yes. Q Any other times that you danced at any of these events? A Not that I remember.
16 17 18 19 20 21 22	A No, that time there were I didn't go to ten. I went to less. Q How many events did you go to? A Cancún, Merida, Cartagena, Pereira. There were two in the Dominican Republic. Q So, six events you went to? A Approximately, yes.	16 17 18 19 20 21	to your house. A We were with my family going around the island, yes. Q Okay, so you were dancing with a friend? Is that right? A Yes. Q Any other times that you danced at any of these events? A Not that I remember. Q Okay, you never at any of these events, you never
16 17 18 19 20 21 22 23	A No, that time there were I didn't go to ten. I went to less. Q How many events did you go to? A Cancún, Merida, Cartagena, Pereira. There were two in the Dominican Republic. Q So, six events you went to? A Approximately, yes. Q And, you danced at two of them?	16 17 18 19 20 21 22	to your house. A We were with my family going around the island, yes. Q Okay, so you were dancing with a friend? Is that right? A Yes. Q Any other times that you danced at any of these events? A Not that I remember. Q Okay, you never at any of these events, you never had any type of intimate, sexual encounters with any third
16 17 18 19 20 21 22	A No, that time there were I didn't go to ten. I went to less. Q How many events did you go to? A Cancún, Merida, Cartagena, Pereira. There were two in the Dominican Republic. Q So, six events you went to? A Approximately, yes.	16 17 18 19 20 21	to your house. A We were with my family going around the island, yes. Q Okay, so you were dancing with a friend? Is that right? A Yes. Q Any other times that you danced at any of these events? A Not that I remember. Q Okay, you never at any of these events, you never

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6 Q Okay, so you were never asked to go associate with a prostitute, were you? 8 A Not me. And, even if I was asked, I didn't look for that sort of thing. I didn't do that sort of thing. 9 Okay, and would it be fair to say that, when you were at these events, you socialized with people for a little while, maybe you had one dance, maybe you had of a drink or not, and then you went to your room? Is that right? 14 A Yes. 15 Q Okay, and Mr. Castillo never told you that you had to associate with a prostitute, did he? 16 associate with a prostitute, did he? 17 A Well, he would put the situation to me. He would ask me, and he asked me on several occasions. It wasn't in the activities. It was when we were in the car. 20 And, he would ask me, if this hot girl would just put it in my face, wouldn't I eat it up?, to which I as a swered "No.". 21 And, he would ask this again on several situations. He would tell him 22 would ask me about a situation like that, and I would tell him 24 Page 158 26 A No. 7 Q In fact, many of the conversations were all about families and business. Is that right? A Yes. Q And, when you went to meet with clients and you were sitting in a meeting with him and clients, you weren't talking about or he wasn't talking about women, was he? 12 A Correct. 14 Q Now, you in Exhibit did you referred to one incident that took place on a bus called the "Duck", and you were activities. It was when we were in the car. 15 A Yes. 16 Q Okay, and, apparently, this was some type of a bus that would go into the water for a trip around the bay, and that's we they called it a Duck. Is that correct? 20 Q Okay, and, according to your remembrance, everybod dancing. How many people were in this group? 21 A The name I mean the number I don't remember. But, you had the people from Central America, from the Dominical Page 158		Page 157		Page 159
2 questions because of the answers that you gave. I don't it's 3 not my intent to embarrass you. 4 A No, no. 5 Q Okay, so you were never asked to go associate with a prostitute, were you? 5 A No me. And, even if I was asked, I didn't look for that sort of thing. I didn't do that	1	Q I don't mean to embarrass. I'm asking you these	1	him to see a client. And, if he was at the office and I would go
de No, no. A No, no. Q Okay, so you were never asked to go associate with a prostitute, were you? A Not me. And, even if I was asked, I didn't lock for that sort of thing I didn't oth that sort of thing. I didn't beat from the state of thing I didn't oth that sort of thing. I didn't beat from the state of thing I didn't other than the state of the see events, you socialized with people for a little while, maybe you had out dire, maybe you had a drink or not, and then you went to your room? Is that right? A Yes. Q Okay, and would it be fair to say that, when you were to your room? Is that right? A Yes. Q Okay, and would it be fair to say that, when you were to your room? Is that right? A Yes. Q Okay, and would it be fair to say that, when you were to your room? Is that right? A Yes. A Well, he would put the situation to me. He would ask me and he asked me on several occasions. It wasn't in the activities, I was when we were in the car. And, he would ask finis again on several situations. He would ask me about a situation like that, and I would the hard you weren't interested in what he was talking about? Is that right? A I would change the topic. Q Okay, and then did the topic change to something else? Did you talk about someholms gles? Did you talk about someholms gles? Did you talk about someholms gles. A On some occasions, he would insist on the topic, and I would gain change the topic. Q Okay, and then did the topic change to something else? Did you talk about someholms gles? Did you talk that glein't talk about someholms gles? Did you talk that glein't talk about someholms gles? Did you talk that glein't talk about someholms gles? Did you talk that due talk in the search and the weith glein't talk and the period of the corter of the circle and dance. I dance? A That's correct, and it's the same answer t	2	•		-
4 A No, no. 5 6 Q Okay, so you were never asked to go associate with a prostitute, were you? 9 A No me. And, even if I was asked, I didn't look for that sort of thing. I didn't do that sort of the content of the circle in the sacked to ance. I shat right? I do that sort of the content of the circle in the sack in the sort of the circle in the sack in the sort of the circle in the sack in the sort of the circle in the sack in the sort of the circle in the sack in the sort of the circle in the sack in the sort of the circle in the sack	3	· · · · · · · · · · · · · · · · · · ·	3	
5 Castillo, he didn't talk about women on every occasion, did la 7 prostitute, were you? 8 A Not me. And, even if I was asked, I didn't look for that sort of thing. I didn't do that sort of thing. I didn't look fine and taken to make with a prostitute, weren't interest do not calcing. I didn't a but a fight? 1 no. Q So, he sometimes talked about sex, and you told him that right? 2 no. Q So, he sometimes talked about sex, and you told him that you weren't interested, but I would dehange the topic. 3 A Do some occasions, he would insist on the topic, and I would again change the topic. 4 A Do some occasions, he would insist on the topic, and I would again change the topic. 5 A That's correct, and it's the same answer the research of dance that everybody is dan arrived, and the present of dance that everybody is dan arrived. 5 Q Okay, and didn't like these conversations? Is tha	4	· · · · · · · · · · · · · · · · · · ·	4	
7 prostitute, were you? 8 A Not me. And, even if I was asked, I didn't look for 9 that sort of thing. I didn't do that sort of thing. 9 Q Okay, and would it be fair to say that, when you were 10 at these events, you socialized with people for a little while, 11 may be you had one dance, maybe you had a drink or not, and then 12 may be you had one dance, maybe you had a drink or not, and then 13 you went to your room? Is that right? 14 A Yes. 15 Q Okay, and Mr. Castillo never told you that you had to 16 associate with a prostitute, did he? 17 A Welt, he would put the situation to me. He would ask 18 me, and he asked me on several occasions. It wasn't in the 19 activities. It was when we were in the care 20 And, he would ask me, if this hot girl would 21 have to say it just as he would say it if this hot girl would 22 just put it in my face, wouldn't leat it upt, to which I 23 answered "No.". 24 And, he would ask this again on several situations. He 25 would ask me about a situation like that, and I would tell him 26 that you weren't interested in what he was talking abour? Is that 27 a right? 28 A I wouldn't tell him that I wasn't interested, but I 29 would gain change the topic. 30 A No some occasions, he would insist on the topic, and I 31 would again change the topic. 42 And, you over called Naperville or you never sent a written complaint to Naperville about any of these conversations? I sthat orget? 31 A The scorrect, and sit she same answer that I've given before. 32 Q So, Mr. Castillo would come to Puerto Rico every two to the memoths. So, if we figure, that means he's here four weeks out of the year. And, you saw him in the mornings as you drove him to work. 32 A Sometimes more. 34 Yes. 35 A Sometimes more. 35 Page 158 Final Puerto Rico every two to the remoths. So, if we figure, that means he's here four weeks out of the year. And, you saw him in the mornings as you drove him to work. 36 Yes, and do woverlers. 37 A Sometime some occasions, he would an end to the percentage of the contered of the circ	5		5	Castillo, he didn't talk about women on every occasion, did he?
A Not me. And, even if I was asked, I didn't look for a that sort of thing. I didn't do that sort of thing. I didn't so that sort of thing in a meeting with him and clients, you weren't talking about or he wash't ta	6	Q Okay, so you were never asked to go associate with a	6	A No.
you went to your room? Is that right? A Yes. Q Okay, and would in be fair to say that, when you were that were events, you socialized with people for a little while, maybe you had one dance, maybe you had a drink or not, and then you went to your room? Is that right? A Yes. Q Okay, and Mr. Custillo never told you that you had to associate with a prostitute, did he? A Well, he would put the situation to me. He would ask me, and he asked me on several occasions. It wasn't in the activities. It was when we were in the car. And, he would ask me, if this hot girl would, and I have to say it just as he would ask in. If this hot girl would, and I have to say it just as he would ask in. If this hot girl would, and I have to say it just as he would ask in. If this hot girl would ask me about a situation like that, and I would tell him that I wasn't interested, but I would change the topic. Q Os, he sometimes talked about sex, and you told him that you weren't interested in what he was talking about? Is that right? A I wouldn't tell him that I wasn't interested, but I would denage the topic. Q Okay, and hen did the topic change to something else? Did you talk about something else? A That's correct, and it's the same answer that I've would just change. Q Okay, and expende in the middle of the circle just clown around. Q Okay, and van one cocasions, the would min the mornings as you drove thin to work. A That's correct, and it's the same answer that I've given before. Q Okay, and very and you said everybody is in a circle, and they're kind laughing. Is that right? You're all standing in a circle, people dance? A Correct. Q Okay, and very sow as a circle, people in the middle of the circle just clown around. Q Okay, soe verybody is in a circle, and they're kind laughing. Is that right? You're all standing in a circle, people dance? A That's correct, and it's the same answer that I've given before. Q Okay, and dancopate to price, and they're kind laughing. Is that right? A Correct. Q Okay, and very one	7	prostitute, were you?	7	Q In fact, many of the conversations were all about
10 Q Okay, and would it be fair to say that, when you were 11 at these events, you socialized with people for a little while, 13 you went to your room? Is that right? 14 A Yes. 15 Q Okay, and Mr. Castillo never told you that you had to associate with a prostitute, did he? 16 associate with a prostitute, did he? 17 A Well, he would put the situation to me. He would ask me, and he asked me on several occasions. It wasn't in the activities. It was when we were in the car. 16 activities. It was when we were in the car. 17 A Mell, he would sak me, if this hot girl would. 18 may be you had one dance, maybe you had a drink or not, and then you went to your room? Is that right? 19 And, he would ask me, if this hot girl would. 21 have to say it just as he would say it if this hot girl would. 22 just put it in my face, wouldn't leat it up?, to which I as any weren't in my face, would ask this again on several situations. He would ask me about a situation like that, and I would tell him that I wasn't interested in what he was talking about? Is that right? 1 no. 2 Q So, he sometimes talked about sex, and you told him that you weren't interested in what he was talking about? Is that right? 1 no. 2 Q So, he sometimes talked about sex, and you told him that you weren't interested in what he was talking about? Is that right? 2 May be a very body it in a circle, people dance? 3 A Yes, it was the sort of dance that everybody is dance in a circle, and they get people in the middle. Is that right? 2 A Yes. 3 A Bone times may be you was a development of the circle in a circle, and they get people in the middle. Is that right? 3 A Yes, that's correct. 4 Page 158 4 A Thename I mean the number. 4 Okay, and you said everyone was dancing. So, did the other people dance? 5 Did you talk about something else? 6 Did you talk about something else? 7 Q Okay, and then did the topic change to something else? 8 Did you talk about something else? 9 A On some cocasions, he would middle the propential of the coher people dance? 10 Q And, you	8	A Not me. And, even if I was asked, I didn't look for	8	families and business. Is that right?
at these events, you socialized with people for a little while, maybe you had an one dance, maybe you had a drink or not, and then you went to your room? Is that right? A Yes. Q Okay, and Mr. Castillo never told you that you had to associate with a prostitute, did he? A Well, he would put the situation to me. He would ask me, and he asked me on several occasions. It wasn't in the activities. It was when we were in the car. And, he would sak me, if this hot girl would and I have to say it just as he would ask in gain on several situations. He would ask me about a situation like that, and I would tell him Page 158 no. Q So, he sometimes talked about sex, and you told him that you weren't interested in what he was talking about? Is that right? A I wouldn't tell him that I wasn't interested, but I would change the topic. Q Okay, and then did the topic change to something else? Did you talk about something else? Did you talk about something else? A On some occasions, he would insist on the topic, and I would again change the topic. Q Okay, and then did the topic change to something else? Did you talk about something else? A I wouldn't tell him that I wasn't interested, but I would again change the topic. Q Okay, and then did the topic change to something else? Did you talk about something else? A On some occasions, he would insist on the topic, and I would again change the topic. A That's correct, and it's the same answer that I've given before. Q So, Mr. Castillo would come to Puerto Rico every two to three months. So, if we figure, that means he's here four weeks out of the year. And, you saw him in the morning as you drove out of the year. And, you saw him in the morning as you drove out of the year. And, you saw him in the morning as you drove out of the year. And, you saw him in the morning as you drove out of the year. And, you saw him in the morning as you drove out of the year. And, you saw him in the morning as you drove out of the year. And, you saw him in the morning as you drove ou	9	that sort of thing. I didn't do that sort of thing.	9	A Yes.
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A Because I would take him to the office or I would take 25 that right?	23	· · · · · · · · · · · · · · · · · · ·	t .	· · · · · · · · · · · · · · · · · · ·

40 (Pages 157 to 160)

	Page 161		Page 163
1	A Yes.	1	around.
2	Q So, it was equal sex? Both sexes got in the middle and	2	Q Okay, what were other people doing to clown around?
3	danced? Is that right?	3	Were they making faces, were they waving their hands? What wer
4	A Yes.	4	the other people doing?
5	Q Okay, and did anyone tell you that, if you didn't get	5	A Each one did whatever they I mean some of them
6	in the center and dance, they would think that you weren't a man?		danced, some of them just clowned around.
7	A No, but that I could have problems with Castillo.	7	Q All right, did anything else happen on the Duck that
8	Q Did you ever go up to Mr. Castillo that night and say	8	night, besides you getting in the center of this circle for ten
9	"I don't want to dance."?	9	seconds and getting right back out again? Did you do any other
10	A I, on several occasions, said no, no, that I didn't	10	dancing, anything else?
11	want to, but they continued insisting.	11	A Not in the boat.
12	Q Okay, and was everybody kind of clapping and saying	12	Q And, this occurred in 2005 or 2006. Is that right?
13	"Come on, Donato, get in the middle and dance."? All the people	13	A Yes.
14	were clapping, weren't they?	14	
15	A That's correct.	15	Q And, so you continued to work for the company for, at least, two more years after that, if it was in 2006? Is that
16		16	
17	Q Okay, so everybody was having a good time and wanted		right? You were still employed for two years after that?
18	you to get in the middle and dance along with them so you'd have	17	A Yes.
19	a good time too. Is that right?	18	Q Okay, now you also say that, when Mr you and Mr.
l	A That's correct, but I didn't want to, and I had to do	19	Castillo were in the car, when you would pick him up, he would
20	it just to take the group pressure off of me, and that Castillo	20	ask you about your health. Is that right?
21	would be happy with me because I was part of the group.	21	A He would ask how did I feel.
22	Q Okay, and Mr. Castillo wanted to build a very solid	22	Q Okay, did you ever ask him how he felt?
23	sales organization where everybody felt that they were part of a	23	A Yes, I would ask just by courtesy.
24	group. Isn't that right?	24	Q Okay, did you consider Mr. Castillo to be a
25	A Yes, but that didn't mean that it had to be forcing	25	professional friend?
	Page 162		Page 164
1	people to do things that they didn't want to do.	1	A Like my boss.
2	Q Okay, and one of the reasons everybody went out on this	2	Q Did when he asked you about your health, did you
3	little boat together is so you could all get to know each other	3	tell him about your health?
4	better. Isn't that right?	4	A Yes, when he would ask me, yes.
5	A It was part of the District meeting that was occurring.	5	Q Okay, and, when you asked him about his health, did he
6	Q Okay, and, during the course of this meeting, did you	6	tell you about his health?
7	have conversations with other employees in the group?	7	A What he would say always was that he was all right.
8	A Yes.	8	Q And, when he asked you about your health, did you
9	Q And, did you enjoy meeting the other people who were on	9	what did you tell him about your health or did you tell him
10	the boat and enjoy the conversations that you had with them?	10	anything?
11	A We already knew each other.	11	A The truth.
12	Q Okay, so you considered these people to be your	12	Q Okay, what did you tell him about your health?
13	professional friends? Is that right?	13	A If I would feel bad, I would tell him. I would tell him
14	A Yes.	14	exactly how I felt at that time. And, he would always tell me
15	Q Okay, and so you were enjoying the evening being with	15	"Whenever I ask you, you say that you're in a bad state, and you
16	our friends? Is that correct?	16	shouldn't say that. You should say that you're all right. You
17	A That's correct.	17	should have a positive attitude and say that everything is fine,
18	Q And, how long were you dancing in the center of this	18	that you're doing okay.".
19	group, a minute, two minutes?	19	He would tell me that I didn't have any energy, that I
20	A I jumped in the middle of the circle, I was there for	20	didn't have any drive. He would always ask me about my weight an
21	about ten seconds, and then I jumped out.	21	how was it, if I had been losing weight. Whenever I would tell
22	Q And, while you were in the center for ten seconds, what	22	him that, yes, I had been losing weight, that I had lost 'X'
23	did you do? Did you wave your hands, did you shake your body?	23	amount of pounds, he would laugh and say "I don't believe you.".
I ~~			
24	What did you do?	74	() ()kay so did you lose any weight?
24 25	What did you do? A Whatever they wanted you to do, which was to just clown	24 25	Q Okay, so did you lose any weight? A Yes.

41 (Pages 161 to 164)

1	Page 165		Page 167
1 -	Q Okay, and so, when he asked if you lost weight, he	1	America, well, you live to work. But, that here, in Puerto Rico,
2	didn't believe you? Is that right?	2	in the U.S., you work to live.
3	A Correct.	3	Q And, who said this, Mr. Castillo or
4	Q Okay, so it's nothing more than he didn't agree that	4	A That was tried to be explained to Mr. Castillo on many
5	you lost weight. Is that what it is? You said "I lost weight.",	5	occasions.
6	and he said "I don't think so.". Is that what he said?	6	Q So, Mr. Castillo had a different type of view of the
7	A He would do it mockingly.	7	importance of work. He viewed that you should be basically
8	Q Oh, okay. So, did he have a was he sarcastic	8	working all the time. Is that what he thought?
9	sometimes?	9	A That's correct.
10	A Very.	10	Q Okay, and you didn't agree with that. Is that correct?
11	Q Okay, did he tease you sometimes?	11	A That's correct.
12	A Yes.	12	Q Okay.
13	Q Okay, did you ever kid back with him?	13	A I saw how he treated people in Columbia, and, in
14	A Not usually.	14	Columbia, he was a tyrant. Here, he couldn't do it because he
15	Q Not usually. But, sometimes you did kid back with him?	15	would always ask about the laws to see what he could or couldn't
16	A When we were all in a group, if a joke was going on,	16	do.
17	then, yes, everybody would laugh, but it wasn't something that	17	Q Okay, so, when you saw him in Columbia and you said he
18	was common.	18	was a tyrant, he was a tyrant towards everybody. Is that right?
19	Q Now, when you talked to Mr. Castillo, was Mr. Castillo	19	A Well, not with everybody, but with a certain type of
20	one of these people that is always very positive? He never sees	20	people, with women who worked with him, that he would grab them,
21	anything negative? Is that how you viewed him?	21	he would squeeze them, he would touch them, and they couldn't say
22	A You could say so.	22	anything because, in Columbia, there's no type of laws against
23	Q Okay, and you've seen salesmen in your life. And,	23	that. If they talk, they're fired.
24	aren't salesmen don't they try to be really positive, to be	24	Q Okay, so these were events that you're talking about
25	enthusiastic, so they can get you to buy things?	25	where he you say he acted like a tyrant. That was to people in
	Page 166		Page 168
1	· · · · · · · · · · · · · · · · · · ·		9
1	A Yes.	1	Columbia. Is that correct?
2	Q Okay, so, Mr. Castillo, I think you told us, had a	1 2	-
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42 (Pages 165 to 168)

	Page 169		Page 171
1	Q Okay, do you remember any other conversations that you	1	A Of course.
2	had with Mr. Castillo? We've now talked about Mr. Castillo and	2	Q And, so Mr. Castillo was bringing someone in to talk to
3	whether he wanted you to dance or not dance, have we not? We've	3	all the employees about cholesterol because cholesterol could be
4	covered that whole subject. Is that correct?	4	a serious health hazard for all the employees. Is that correct?
5	A Well, about the dancing, about the topics. On several	5	A That's correct.
6	occasions I don't know if it's here but he would always	6	Q And, you thought there was something wrong with having
7	make comments about people's weight, that we didn't seem like	7	an employee come in and talk about a health hazard to all the
8	Nalco representatives, that we had to be like him, in his	8	employees, if I understand what you're saying. Is that correct?
9	physical shape.	9	A No, that isn't a bad thing. But, there was a secondary
10	Q So, he talked about men and women about their weight.	10	reason for which he would bring Sandra.
11	Is that right?	11	Q What was the secondary reason?
12	A No, because none of the women were overweight.	12	A She was one of the ones he would grab.
13	Q Okay, so he only talked about he talked about men	13	Q Did you actually see him you saw him hug her? Is
14	and their weight. Is that correct?	14	that correct?
15	A Yes.	15	A Yes.
16	Q What other men did he talk about their weight?	16	Q Okay, how many times did you see Castillo, Mr.
17	A Well, about all of them because we're all overweight,	17	Castillo, hug Sandra?
18	except two.	18	A Many times.
19	Q So, he, if you will, teased or was sarcastic to all the	19	
20	men, except for two, about their weight. Is that right?	20	Q Okay, and did he touch her in any genital areas? A Well, that, I didn't see.
21	A That's correct.	21	
22	Q And, you said that all the men are overweight, except	22	Q What did he give her, a hug? A Yes, and, in Cartagena, he got upset with me because I
23	for two, if I understood what you said?	23	danced with her.
24	A That's correct.	24	Q He got upset with you because you danced with Sandra?
25	Q So, he didn't limit his comments about weight to you.	25	A Yes.
		20	
7	Page 170	1	Page 172
1	He was talking to other men about their weight also. Is that	1	Q Okay, did you want to dance with Sandra?
2 3	correct?	2	A Well, we had talked, and I asked her, the next time
3 4	A Correct, but I was the only one he would ask if I had	3	that a Merengue would be playing, if we could dance.
5	lost weight. Also, he once brought somebody in. He brought Sandra	4	Q Okay, so you weren't forced to dance with Sandra, were
	to give training on cholesterol. They were linking cholesterol to	5	you?
6	being overweight.	6	A No.
7 8	I got upset, and I asked if there was anybody in the	7	Q Okay, so you voluntarily danced with Sandra one dance.
	room who knew what their cholesterol and their triglycerides	8	Is that right?
9 10	were.	9	A Correct.
10	Q Okay, who's Sandra?	10	Q And, what did Mr. Castillo and this was where was
11	A She was a person from Columbia who, on many occasions,	11	this? This was in Columbia?
12	he would bring in to give trainings.	12	A Yes, in Cartagena de Indias.
13	Q Okay, and	13	Q And, what did Mr. Castillo say to you after you danced
14	A And, on that occasion, I asked and this person was	14	one dance with Sandra?
15 16	practically thin I asked this person if he knew what his	15	A He didn't have to say anything. Just with the look that
16 17	cholesterol and his triglyceride levels were, and this person	16	he gave me and the attitude that he had it was enough.
17	said that his levels were five hundred and three hundred and	17	Q Did he say anything to you?
18	something for his cholesterol. And, compared to me who is	18	A No.
19	overweight, I was very under the limits.	19	Q Okay, and what was the look? He stared at you?
20	Q So, Mr. Castillo brought Sandra in to talk to all the	20	A Yeah.
21	employees about cholesterol. Is that right?	21	Q So, if I understand it, your testimony, he forced you
22	A Yes.	22	to dance with people. But, when you danced with people, he stared
23	Q And, you knew that cholesterol can causes changes in	23	at you and frowned. Which is it?
24	our cardiovascular system and can kill you, if it's the wrong	24	A No, that wasn't my testimony. My testimony was that,
25	type of cholesterol, before Sandra came in, didn't you?	25	when I was on the Duck, he forced me to dance something that I

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	Page 173		Page 175
1	didn't want to do.	1	ATTORNEY CUADROS-PESQUERA: Around five.
2	Q Okay.	2	ATTORNEY LIES: What time do you normally go for
3	A And, on the other occasion that I went to dance, I	3	depositions around here, how late? What's the custom and
4	chose the wrong person, and then that's when he gave me the	4	practice?
5	intimidating stare.	5	ATTORNEY CUADROS-PESQUERA: The rules say seven hours.
6	Q Okay, when he gave you this stare you claim he gave	6	ATTORNEY MC CARTNEY: Yeah, but that's
7	you this stare did you go up to say to him "Why are you	7	ATTORNEY RIESCO: Excluding breaks and
8	staring at me?"? Did you ask him?	8	ATTORNEY MC CARTNEY: And, also not necessarily where
9	A No, because I didn't want to have any type of	9	there's a Translator involved.
10	argumentation.	10	ATTORNEY RIESCO: Right.
11	Q Did Mr. Castillo ever tell you "I don't want you ever	11	ATTORNEY LIES: Yeah, I mean this cuts down the time.
12	dancing with Sandra again?"? Did he ever tell you that?	12	ATTORNEY CUADROS-PESQUERA: Well, it lasts as long as it
13	A No, but the two disappeared.	13	lasts. I mean, as a point of personal privilege, after seven
14	Q Okay, what happened the rest of the evening after you	14	hours, I'm pretty much beat up.
15	danced with Sandra? Did you go back to the rest of the evening?		ATTORNEY LIES: And, that's not what I'm suggesting. I'm
16	A I was with the rest of my colleagues, and I was taking	16	suggesting that maybe we finish tomorrow morning with Mr.
17	pictures of the activity, and then I went to sleep.	17	Aponte, and then take Belkis right after that. Does that
18	Q Okay, and, just so you're clear, the only time that you	18	work?
19	were forced to dance was you danced alone is that right for	19	We're going to have to do you want to she asked
20	ten seconds?	20	for an Interpreter too.
21	A Yes, because I usually didn't dance.	21	INTERPRETER: I'm scheduled for tomorrow also.
22	Q Okay, now you were Mr. Castillo told you a couple of	22	ATTORNEY LIES: Okay, then you're going to be here
23	times that you don't have energy. Is that right?	23	anyway. And, you're going to be here tomorrow or not?
24	A Yes.	24	COURT REPORTER: Yes.
25	Q And, what did you say to him when he told you you	25	ATTORNEY CUADROS-PESQUERA: We'll all be here.
	Page 174		Page 176
	-		
1	didn't have energy, if anything?	1	ATTORNEY RIESCO: Do you want to stay on the record?
2	A That that wasn't so.	2	ATTORNEY LIES: We don't have to stay on the record.
3	Q Okay, so you told him you did have energy?	3	Well, this is scheduling. Are we going to agree that we're
4	A Sure.	4	going to recess then until nine o'clock tomorrow morning,
5	Q How old was Mr. Castillo?	5	and resume with finishing Mr. Aponte and go right into Ms.
6	A He must have been close to fifty.	6	Belkis? Does that work?
7	Q Okay, and, at that time that Mr. Castillo and you were	7	ATTORNEY CUADROS-PESQUERA: It works for me.
8	working together, how old were you?	8	ATTORNEY LIES: All right, okay.
9	A Forties.	9	ATTORNEY CUADROS-PESQUERA: Thank you very much.
10	Q Okay, did he ever ask you your age?	10	ATTORNEY LIES: Thank you.
11	A Yes, to tell me "Look, you're younger than me, and I	11	DEPOSITION RECESSED OCTOBER 12, 2010, AT 5:00 P.M.
12	have more energy than you.".	12	
13	Q So, he was being sarcastic about your age?	13	
14	A Yes.	14	
15	Q He asked you about your age once. Did he ever ask you	15	
16	about your age again?	16	
17	A He knew all of our ages. Therefore, he didn't have to	17	
18	ask anything.	18	
19	Q Okay, my question is he asked you once about your age.	19	
20	He never asked you about your age again. Is that right?	20	
21	A He didn't have to do it because he knew my age.	21	
22	Q Did he ever ask you again about your age?	22	
23	A I don't remember.	23	
24	ATTORNEY LIES: Okay, let's what time is it anyway? I	24	¥
25	don't want to kill the Court Reporter.	25	

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Donato Aponte-Navedo

	Page 177		Page 179
1	CERTIFICATE OF REPORTER	1	CERTIFICATE OF DEPONENT
2	I, GREGORIA ECHEVARRÍA, Court Reporter and a member of Vega	2	I, DONATO APONTE-NAVEDO, of legal age, certify that:
3	Reportage;	3	I have read the transcript of my deposition, taken on
4	DO HEREBY CERTIFY: That the foregoing transcript is a full,	4	October 12, 2010, in the case before The United States District
5	true and correct record of the testimony given which was taken	5	Court for the District of Puerto Rico, Donato Aponte-Navedo, et
6	down by me and thereafter reduced to the typewritten form under	6	al, Plaintiffs versus Nalco Chemical Company, et al, Defendants,
7	my direction and supervision.	7	Case Number 09-CV-01232(GAG), from page one (1) through one
8	I FURTHER CERTIFY: That I am not in any way involved or	8	hundred and seventy-nine (179) inclusive, together with the
9	interested in the outcome of said action.	9	corresponding exhibits that were attached, if any.
10	WITNESS my hand this 18th day of October, 2010, in San Juan,	10	If there are corrections or amendments to the aforementioned
11	Puerto Rico.	11	transcript, the same are included as an addendum to the
12		12	transcript. The pages are initialed and numbered by me,
13	prymitshvami	13	commencing with page number one hundred and eighty (180).
14	20033	14	IN WITNESS WHEREOF, I sign this document in San Juan, Puerto
15		15	Rico, on theday of, 2010.
16		16	
17	GREGORIA ECHEVARRÍA	17	
18	Court Reporter	18	
19		19	***************************************
20		20	DONATO APONTE-NAVEDO
21	Transcription of the Control of the	21	
22		22	
23		23	
24		24	
25		25	
	Page 178		
1	CERTIFICATE OF NOTARY PUBLIC		
2	I, LUIS NOLLA, ESQ., Attorney at Law and Notary Public, duly		
3	commissioned and qualified in and for the Commonwealth of Puerto		
4	Rico;		
5	DO HEREBY CERTIFY: That by stipulation of the parties I		
6	acted as Notary Public. That the foregoing deposition was taken		
7	on the date and time heretofore mentioned; and		
8	That the Court Reporter, the Interpreter, and the Deponent		
9	were sworn by me before the commencement of the taking of the		
10	Deponent's testimony. Afterwards, my presence was excused by		
11 12	stipulation of the parties.		
13	IN WITNESS WHEREOF, I sign this document and affix my		
13	notarial seal in San Juan, Puerto Rico, on theday of, 2010.		
15	2010.		
16			
17			
18	·		
19	LUIS NOLLA, ESQ.		
20	Notary Public		
21	roday rabite		
22	Contraction		
23			
	l de la companya de		
24			

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Transcript of the Testimony of **Donato Aponte-Navedo**

Date: October 13, 2010

Volume: 2

Case: Donato Aponte-Navedo, et als. v. Nalco Chemical Company, et als.

Printed On: June 20, 2011

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1	IN THE UNITED STATES DISTRICT COURT	1	INDEX	J
.	FOR THE DISTRICT OF PUERTO RICO	2	INDEX	
		3	MR. DONATO APONTE-NAVEDO	
	DONATO APONTE-NA VEDO, et al, : CIVIL NO.: 09-CV-01232(GAG)	4	DIRECT EXAMINATION (Cont.):	
	Plaintiff(s) :	5	By Attorney Lies: 184	
ŀ	vs : RE: TITLE VII VIOLATION, AGE,	6	by Attorney Lies. 184	
	NALCO CHEMICAL COMPANY, : GENDER AND NATIONAL ORIGIN	7	EXHIBIT DESCRIPTION PA	AGE NO.
	JOSÉ SERRANO, JANE DOE : DISCRIMINATION, AMERICANS WITH	8	Exhibit 020	IGL NO.
	and the CONJUGAL PARTNERSHIP : DISABILITIES ACT, AND TORTS	9	Copy of multi-page document,	
	SERRANO-DOE, JORGE CASTILLO, : PLAINTIFFS DEMAND TRIAL	10	Civil Case # 09-CV-01232(GAG),	
	JANE DOE and the CONJUGAL : BY JURY	11	RE: Complaint,	
	PARTNERSHIP CASTILLO-DOE, :	12	03/06/2009. 232	
İ	ASHOK PAUL DUGGAL,	13	03/00/2007.	
	JANE DOE and the CONJUGAL :	14		
	PARTNERSHIP DUGGAL-DOE, and :	15		
	ABC INSURANCE, :	16		
	Defendant(s) :	17		
		18		
1	CONTINUATION OF THE TAKING OF THE DEPOSITION OF:	19		
	MR. DONATO APONTE-NAVEDO	20		
	DATE : October 13, 2010	21		
	TIME : 9:00 A.M.	22		
	PLACE : Cancio, Nadal, Rivera & Díaz	23		
	403 Muñoz Rivera Avenue	24		
ŀ	San Juan, Puerto Rico 00918	25		
	Page 181		Р	age 183
1	APPEARANCES	1	PROCEEDINGS	
2		2	(9:20 A.M.)	
3	FOR DEFENDANTS: MARK A. LIES, ESQ.	3	ATTORNEY LIES: This is the resumption of the depo	sition
4	Seyfarth Shaw, LLP	4	of Mr. Donato Aponte. It's taken pursuant to Notice. It	
5	131 South Dearborn Street	5	commenced yesterday, and it's taken pursuant to the Fede	ral
6	Suite #2400	6	Rules of Procedure, the Federal Rules of Evidence and	
7	Chicago, Illinois 60603	7		
		, ,	applicable orders from the United States District Court, in	1
8	NATASCHA B. RIESCO, ESQ.	8	applicable orders from the United States District Court, in this particular district. Mr. Aponte, you understand you're	
8 9	NATASCHA B. RIESCO, ESQ. JAMES MC CARTNEY, ESQ.			
		8	this particular district. Mr. Aponte, you understand you're	
9 10 11	JAMES MC CARTNEY, ESQ.	8 9	this particular district. Mr. Aponte, you understand you're still under oath, do you not?	
9 10	JAMES MC CARTNEY, ESQ. Cancio, Nadal, Rivera & Díaz	8 9 10	this particular district. Mr. Aponte, you understand you're still under oath, do you not? DEPONENT: Yes.	
9 10 11	JAMES MC CARTNEY, ESQ. Cancio, Nadal, Rivera & Díaz 403 Muñoz Rivera Avenue	8 9 10 11	this particular district. Mr. Aponte, you understand you're still under oath, do you not? DEPONENT: Yes. ATTORNEY LIES: Jim, I don't have to bring the Nota	ry
9 10 11 12 13 14	JAMES MC CARTNEY, ESQ. Cancio, Nadal, Rivera & Díaz 403 Muñoz Rivera Avenue San Juan, Puerto Rico 00918 FOR PLAINTIFFS: MIGUEL A. CUADROS-PESQUERA, ESQ. 701 Ponce De León Avenue	8 9 10 11 12	this particular district. Mr. Aponte, you understand you're still under oath, do you not? DEPONENT: Yes. ATTORNEY LIES: Jim, I don't have to bring the Nota back today, do I?	ry
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1 (Pages 180 to 183)

Page 184		Page 186
deposition.)	1	sales of products and services. Is that correct?
(Whereupon,	2	A Yes, that's correct.
MR. DONATO APONTE-NAVEDO	3	Q Do you consider yourself to be as competent a
having been previously duly sworn, was examined and, through the	4	salesperson as you are a Technical Engineer?
Interpreter, testified upon his oath as follows:)	5	A I was always considered the most technical of the
- · · · · · · · · · · · · · · · · · · ·	6	group.
BY ATTORNEY LIES:	7	Q Do you consider yourself to be a better technical
Q Between the time that we finished yesterday, Mr.	8	person than a salesperson?
	9	A Yes.
matter?	10	Q Okay, now, in your current job, you told us that you
A No.	11	started your job Cervecería de Puerto Rico when, sir?
•		A October 31, 2008.
- 1		Q Okay, do you know whether or not Mr. Ashok Duggal and
		Mr. Jorge Ortiz recommended to the people at your current
·		employer that they consider employing you because of your
		technical skills?
· · · · · · · · · · · · · · · · · · ·		A Yes, that's correct.
		Q Okay, how did you learn that they had recommended you
		to work at your current employer because of your technical
· · · · · · · · · · · · · · · · · · ·		skills? How did you come to that knowledge?
·		A Jorge Ortiz called me and told me.
!		Q Did you ask Mr. Ortiz to help you try to find another
		job after you left Nalco?
The state of the s		A No, he offered that, if I needed any help, I could
	23	count on him.
		Page 187
	1	Q Did Mr. Duggal also make that same offer to you, that,
· —	2	if you needed any help, he could help you or would help you?
· · · · · · · · · · · · · · · · · · ·	3	A Yes, we had communication through e-mail, and he also
· · · · · · · · · · · · · · · · · · ·	4	stated that.
	5	Q Do you still consider Mr. Duggal to be a professional
(General laughter.)	6	friend?
BY ATTORNEY LIES:	7	A Yes.
	8	Q Do you still consider Mr. Jorge Ortíz to be a
Yesterday we talked about the jobs that you held before you went	9	professional friend?
to work for Nalco.	10	A Yes, right now, he's my supplier.
Do you recall those discussions that we had yesterday	11	Q Okay, how often do you see Mr. Ortíz?
about those other jobs?	12	A In the beginning, it was more. I was seeing him once a
A Yes.	13	month. Now, it's like once every two months.
Q None of the jobs that you held, before you went to	14	Q And, is Nalco providing services and products to your
Nalco, involved you receiving a commission for sales, did they?	15	satisfaction with your company?
A No.	16	A Yes. I mean there have been some deviations, but we've
Q And, since your employment with Nalco and you're now	17	talked about it, and they've been tried to be corrected.
employed by Cervecería India	18	Q Have other chemical companies approached you to try to
A Cervecería de Puerto Rico.	19	sell their services and products to you, the same type of
Q Oh, okay. The current job that you're in right now with	20	services and products that Nalco sells?
that company does not involve payment of commissions, does it?	21	A Yes.
A No.	22	Q Okay, and have those other companies invited you out to
to the state of th		
O Okay, so the only job that you've ever had, that you	23	be entertained so that they could get to know you and possibly
Q Okay, so the only job that you've ever had, that you testified about here with is, is the job that you had with Nalco	23 24	be entertained so that they could get to know you and possibly develop a relationship where you would buy products and services
	deposition.) (Whereupon, MR. DONATO APONTE-NAVEDO having been previously duly sworn, was examined and, through the Interpreter, testified upon his oath as follows:) DIRECT EXAMINATION (Cont.) BY ATTORNEY LIES: Q Between the time that we finished yesterday, Mr. Aponte, and today, did you review any documents relating to this matter? A No. Q And, between the time that we finished last night and today, have you talked to anyone about this case, other than your Attorney? A With anybody who wasn't in this room, no. Q Okay, did you talk to Belkis about the case? A Yes. Q And, what did you and Belkis talk about? I don't want any conversations if Counsel was there. But, if the two of you had conversations were about in this case. A You want to know what we talked about? Q About the case, not anything else, just about the case. A You want to know what we talked about? Q About the case, not anything else, just about the case. A Nothing. We talked about the style of asking questions, and we spoke a little bit about you, that sometimes you were a Page 185 little bit aggressive, but manageable. Q Manageable? ATTORNEY CUADROS-PESQUERA: He's leading, right! ATTORNEY LIES: Nobody's ever said that to me. You haven't seen anything yet! No, that's not a question. (General laughter.) BY ATTORNEY LIES: Q Okay, Mr. Aponte, I just want to clear up a few things. Yesterday we talked about the jobs that you held before you went to work for Nalco. Do you recall those discussions that we had yesterday about those other jobs? A Yes. Q None of the jobs that you held, before you went to Nalco, involved you receiving a commission for sales, did they? A No. Q And, since your employment with Nalco and you're now employed by Cervecería led? A Cervecería de Puerto Rico. Q Oh, okay. The current job that you're in right now with	(Whereupon, MR. DONATO APONTE-NAVEDO having been previously duly sworn, was examined and, through the Interpreter, testified upon his oath as follows:) DIRECT EXAMINATION (Cont.) BY ATTORNEY LIES: Q Between the time that we finished yesterday, Mr. Aponte, and today, did you review any documents relating to this matter? A No. Q And, between the time that we finished last night and today, have you talked to anyone about this case, other than your Attorney? A With anybody who wasn't in this room, no. Q Okay, did you talk to Belkis about the case? A Yes. Q And, what did you and Belkis talk about? I don't want any conversations if Counsel was there. But, if the two of you had conversations when he was not there, then I'd like to know what those conversations were about in this case. A You want to know what we talked about? Q About the case, not anything else, just about the case. A Nothing. We talked about the style of asking questions, and we spoke a little bit about you, that sometimes you were a Page 185 little bit aggressive, but manageable. Q Manageable? ATTORNEY CUADROS-PESQUERA: He's leading, right! ATTORNEY LIES: Nobody's ever said that to me. You haven't seen anything yet! No, that's not a question. (General laughter.) BY ATTORNEY LIES: Q Okay, Mr. Aponte, I just want to clear up a few things. Yesterday we talked about the jobs that you held before you went to work for Nalco. Do you recall those discussions that we had yesterday about those other jobs? A Yes. Q None of the jobs that you held, before you went to Nalco, involved you receiving a commission for sales, did they? A No. Q And, since your employment with Nalco and you're now employed by Cervecería India A Cervecería de Puerto Rico. Q Oh, okay. The current job that you're in right now with

2 (Pages 184 to 187)

1	Page 188		Page 190
	A Yes.	1	A What usually happened in Nalco is you would receive
2	Q And, have some of those competitors who are reaching	2	in my time, you would receive the training through some modules,
3	out to you asked you to go out to dinner with them?	3	and you would take the training system on-line.
4	A Yes.	4	And, after you would have that on-line regarding the
5	Q All right, and, yesterday, we talked about the fact	5	techniques, the packs (phonetic), the chemical treatments, then
6	that	6	you would go to the United States to get trained.
7	A But, I haven't gone.	7	Q Okay, at that time that you were terminated, as you sit
8	Q Okay, I'll start over. Yesterday, I believe you	8	here today, you can't tell me what Mr. Suárez' job title was, can
9	testified that Mr. Suárez was the individual you believed	9	you?
10	replaced you at Nalco. Is that what you told us yesterday?	10	A No.
11	A That wasn't discussed yesterday.	11	Q Okay, and, because you did not review his personnel
12	Q All right, who do you claim was the person that	12	folder, you don't know what his educational background is, do
13	replaced you at Nalco after you left, what individual?	13	you?
14	A When I was terminated, they had hired Mr. Jaime Suárez	14	A No, I hadn't seen his personnel file, but I had seen
15	practically a month before.	15	his résumé.
16	Q Are you claiming that Mr. Suárez was the individual who	16	Q And, what did his résumé say about his educational
17	replaced you, in your job, when you were terminated by Nalco?	17	background?
18	A Yes.	18	A Mechanical Engineering, and he studied in the
19	Q Okay, at the time of your termination, what was your	19	University of Atlantica, in Barranquilla, Columbia, and then he
20	job title? Were you a District Representative III?	20	did a Master's in Mechanical Engineering in the University of
21	A Yes, that's correct.	21	Puerto Rico, Mayaguez Campus.
22	Q Okay, and, when Mr. Suárez was hired, as you told us, a	22	Q Do you have a Master's Degree in Chemical Engineering?
23	month before you were terminated, he was hired as an Applications	23	A No.
24	Engineer, wasn't he?	24	Q Okay, I believe yesterday you told us that you don't
25	A That, I don't know how he was hired. The name of the	25	have any degrees beyond your degree your undergraduate degree
	Page 189		Page 191
1	position I don't know.	1	Is that correct?
2	Q And, the reason you don't know the name of the position	2	A Thatle same 4
3	is you've never seen Mr. Suárez' personnel folder, have you?		A That's correct.
	is you've never seen wit. Suarez personner folder, have you:	3	A I nat's correct. Q And, at that time of the termination, you don't know
4	A No.	4	
	A No. ATTORNEY LIES: Okay, just so I understand, when he says	4	Q And, at that time of the termination, you don't know
4	A No. ATTORNEY LIES: Okay, just so I understand, when he says "no", he means he did not see the personnel folder.	4	Q And, at that time of the termination, you don't know what Mr. Suárez was being paid, do you?
4 5	A No. ATTORNEY LIES: Okay, just so I understand, when he says "no", he means he did not see the personnel folder. BY ATTORNEY LIES:	4 5	Q And, at that time of the termination, you don't know what Mr. Suárez was being paid, do you? A No.
4 5 6 7 8	A No. ATTORNEY LIES: Okay, just so I understand, when he says "no", he means he did not see the personnel folder.	4 5 6	 Q And, at that time of the termination, you don't know what Mr. Suárez was being paid, do you? A No. Q Okay, do you know whether or not Mr. Suárez, at that
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3 (Pages 188 to 191)

	Page 192		Page 194
1	What other experiences did he have on his résumé before he came	1	Many times when there were meetings, I had to go and
2	to Nalco? Do you remember?	2	eat. I had to go out and eat something. Many times when they
3	A If I'm not mistaken, he had been working with a company	3	would say "We're not going to go out to lunch." and food would be
4 .	providing service and performing audits for a pharmaceutical	4	brought in, they would bring the things that precisely I couldn't
5	company.	5	eat, and I had to eat them because it was going to be worse if I
6	Q Do you remember the name of the pharmaceutical company?	6	didn't eat anything.
7	A No, he didn't work at the pharmaceutical company. He	7	And, that, many times, would affect, would cause
8	worked for a company that provided services to a pharmaceutical	8	effect.
9	company.	9	Q Okay, anything else?
10	Q What was the name of that company that provided the	10	A No
11	services, if you remember?	11	Q Are you claiming any other
12	A I don't remember the name of the company, but it was	12	A not right now.
13	with Engineer Jorge Hernández.	13	Q I don't want to repeat myself, but are you claiming any
14 -	Q Have you ever spoken to Mr. Suárez since the time you	14	other disability besides diabetes?
15	were terminated?	15	A No.
16	A Yes.	16	Q Okay, now, in your Answers to Interrogatories, you
17	Q When was the last time you spoke to Mr. Suárez?	17	reference pictures which your Counsel is going to make a good
18	A Last Saturday.	18	faith effort to find if they, in fact, exist.
19	Q Okay, and what was the occasion that you spoke to Mr.	19	What type of pictures were you referring to? Did you
20	Suárez last Saturday?	20	take pictures, did you get pictures from company events? What
21	A He was giving a training at the brewery.	21	pictures are we talking about here?
22	Q So, Mr. Suárez is providing services to the brewery. Is	22	A I like to take pictures. And, when we would go to
23	that correct?	23	activities, I would usually have my camera with me.
24	A Yes, he's right now my supplier.	24	Usually, at the moment of the official activity, I
25	Q And, is he providing professional services and products	25	would be taking photos. I'd be taking pictures. And, at the end
	Page 193		Page 195
1	of Nalco that meet the needs of your company?	1	of the activity when the get-together would begin, well, then I
2	A Yes, that's correct. Like I said before, there have	2	wouldn't take pictures because that would probably cause problems
3	been some deviations, but we've talked about it and we've tried	3	with any family or any person.
4	to correct them.	4	But, in Cartagena, I continued taking photos all the
5	Q Okay, so you and Mr. Suárez have worked together, and	5	and the state of t
6		1	time when I was in the activities.
-	he has tried to meet whatever concerns you have about the	6	Q I realize your Attorney may object because the pictures
7	he has tried to meet whatever concerns you have about the products and services?	6 7	
		1	Q I realize your Attorney may object because the pictures
7	products and services?	7	Q I realize your Attorney may object because the pictures speak for themselves.
7 8	products and services? A Yes.	7 8	Q I realize your Attorney may object because the pictures speak for themselves. But, tell us what is on these pictures, if you recall
7 8 9 10 11	products and services? A Yes. Q Now, yesterday you told us that you were claiming a	7 8 9	Q I realize your Attorney may object because the pictures speak for themselves. But, tell us what is on these pictures, if you recall what's on these pictures?
7 8 9 10	products and services? A Yes. Q Now, yesterday you told us that you were claiming a disability because of your diabetes. Do you recall that?	7 8 9 10	Q I realize your Attorney may object because the pictures speak for themselves. But, tell us what is on these pictures, if you recall what's on these pictures? A There were people drinking, and also Mr. Jorge Castillo
7 8 9 10 11	products and services? A Yes. Q Now, yesterday you told us that you were claiming a disability because of your diabetes. Do you recall that? A Yes.	7 8 9 10 11	Q I realize your Attorney may object because the pictures speak for themselves. But, tell us what is on these pictures, if you recall what's on these pictures? A There were people drinking, and also Mr. Jorge Castillo filling the glasses and cups of people.
7 8 9 10 11 12 13	products and services? A Yes. Q Now, yesterday you told us that you were claiming a disability because of your diabetes. Do you recall that? A Yes. Q And, do you recall we went into when you first had your	7 8 9 10 11 12 13	Q I realize your Attorney may object because the pictures speak for themselves. But, tell us what is on these pictures, if you recall what's on these pictures? A There were people drinking, and also Mr. Jorge Castillo filling the glasses and cups of people. Q And, these people were drinking at some of the
7 8 9 10 11 12 13	products and services? A Yes. Q Now, yesterday you told us that you were claiming a disability because of your diabetes. Do you recall that? A Yes. Q And, do you recall we went into when you first had your diabetes diagnosed, how you test your blood sugar, and the	7 8 9 10 11 12 13	Q I realize your Attorney may object because the pictures speak for themselves. But, tell us what is on these pictures, if you recall what's on these pictures? A There were people drinking, and also Mr. Jorge Castillo filling the glasses and cups of people. Q And, these people were drinking at some of the company's social events? Is that why the pictures were taken?
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7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	products and services? A Yes. Q Now, yesterday you told us that you were claiming a disability because of your diabetes. Do you recall that? A Yes. Q And, do you recall we went into when you first had your diabetes diagnosed, how you test your blood sugar, and the doctors that you went to see? You recall we went through all that yesterday, correct? A Yes. Q Is there any other information that you wish to tell us about concerning your diabetes and why you claim it's a disability, besides what you told us yesterday? A Well, I try to control my diabetes as best as possible. I have to follow a diet, eat at certain times, eat my snacks, and try to have sufficient rest to keep it under control.	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	Q I realize your Attorney may object because the pictures speak for themselves. But, tell us what is on these pictures, if you recall what's on these pictures? A There were people drinking, and also Mr. Jorge Castillo filling the glasses and cups of people. Q And, these people were drinking at some of the company's social events? Is that why the pictures were taken? A Yes. Q So, there's pictures of people drinking and pictures of Mr. Castillo pouring drinks. Is that correct? A That's my best recollection because I handed in those pictures about a year ago, and I haven't seen them anymore. Q About how many pictures did you hand to your attorneys? A Five, six. I don't remember very well. Q And, these pictures were all taken in what country? A Columbia.
7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	products and services? A Yes. Q Now, yesterday you told us that you were claiming a disability because of your diabetes. Do you recall that? A Yes. Q And, do you recall we went into when you first had your diabetes diagnosed, how you test your blood sugar, and the doctors that you went to see? You recall we went through all that yesterday, correct? A Yes. Q Is there any other information that you wish to tell us about concerning your diabetes and why you claim it's a disability, besides what you told us yesterday? A Well, I try to control my diabetes as best as possible. I have to follow a diet, eat at certain times, eat my snacks, and try to have sufficient rest to keep it under control. Stress and maybe other medications that you have to	7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23	Q I realize your Attorney may object because the pictures speak for themselves. But, tell us what is on these pictures, if you recall what's on these pictures? A There were people drinking, and also Mr. Jorge Castillo filling the glasses and cups of people. Q And, these people were drinking at some of the company's social events? Is that why the pictures were taken? A Yes. Q So, there's pictures of people drinking and pictures of Mr. Castillo pouring drinks. Is that correct? A That's my best recollection because I handed in those pictures about a year ago, and I haven't seen them anymore. Q About how many pictures did you hand to your attorneys? A Five, six. I don't remember very well. Q And, these pictures were all taken in what country? A Columbia. Q And, approximately, what time frame, 2005, 2006, 2007?

4 (Pages 192 to 195)

1 Q Did you ever show these pictures to any of the people from the company just to tell them that you were taking pictures when you went to the event, in Columbia? 4 A Yes, because I would even be told "Take pictures.", and I would get all the pictures and I would put them in a disc, in a DVD, and I would take them to the office. 5 I would get all the pictures and I would put them in a disc, in a DVD, and I would take them to the office. 6 DVD, and I would take them to the office. 7 And, they would use those pictures for the newsletter, the small newspaper that they have, so they could show what the activities that they had were. 8 ATTORNEY LIES: Okay, before we go any further, I think that Belkis is freezing. Should we turn the air conditioning off? She's wrapped up in a sweater. 13 Maybe we should we can turn it down. You don't have to ist there all wrapped up. 14 to sit there all wrapped up. 15 MS. SANTIAGO: That's fine. If you can turn this one off and that one on, that's fine. Thank you. 16 BY ATTORNEY LIES: 17 Q So, the pictures we're talking about, some of the pictures may have even been in the company newsletter they may be. Is that right? 20 Okay, now yesterday you told us that you had seen a psychologist sometime in 2010, at least that's what my notes show. 18 Page 197 Page 197 Which employees which employee do you claim mex threecived more favorable treatment from the company tou clam treatment from the company now later treatment from the company in exceived more favorable treatment from the company received more favorable tre		Page 196		Page 198
2 From the company just to tell them that you were taking pictures when you went to the even, in Columbia? 3 Which employee do you claim received more favorable treatment from you strike that. 4 Nich employee do you claim received more favorable treatment from the company than you did? 4 Can you repeat the question? 5 A Can you repeat the question? 6 A Can you repeat the question? 7 A Ves. 9 A Ves. 13 A Nyabe we should, we can turn it down. You don't have to sit there all wrapped up. 13 Maybe we should, we can turn it down. You don't have to sit there all wrapped up. 13 A Ves. 15 MS SANTIAGOT That's fine. If you can turn this one off off and that one on, that's fine. Thank you. 15 MS SANTIAGOT That's fine. If you can turn this one off off and that one on, that's fine. Thank you. 15 MS SANTIAGOT That's fine. If you can turn this one off off and that one on, that's fine. Thank you. 15 MS SANTIAGOT That's fine. If you can turn this one off off and that one on, that's fine. Thank you. 15 MS SANTIAGOT That's fine. If you can turn this one off off and that one on, that's fine. Thank you. 15 MS ATTORNEY LIES. In STERPRETER: Representative, is that what you mean? 15 MS ATTORNEY LIES. 16 MS ATTORNEY LIES. 17 Q A District Representative, is that what you mean? 17 Q A My, now yesterday you told us that you had seen a psychologist sometime in 2010, at least that's what my notes a show. 17 Q A My, now yesterday you told us that you had seen a psychologist apart of the Employee 17 Q A My, now yesterday you told us that you had seen a send it. 18 Q A My, now ye were that the mean of th	1		1	
when you went to the event, in Columbia? A Yes, because I would even he rold "Take pictures." and I lowald get all the pictures and I would put freen in a disc, in a DVD, and I would take them to the office. And, they would use those pictures for the newsletter, the small newspaper that they have, so they could show what the activities that free had were. ATORNEY LIES: Okay, before we go any further, I think that Belik is freezing. Should we turn the air conditioning that are should. we can turn it down. You don't have to shall and one, that's fine. Hank you. Maybe we should. we can turn it down. You don't have to shall and one, that's fine. Thank you. Maybe we should, we can turn it down. You don't have to and that one on, that's fine. Thank you. Maybe we should, we can turn it down. You don't have to and that one on, that's fine. Thank you. Maybe we should, we can turn it down. You don't have to an in the company than you don't have to that postphologist fine. If you can turn this one off and that one, that's fine. Thank you. Maybe we should, we can turn it down. You don't have to be intered in wapped up. MS, SANITAGO: That's fine. If you can turn this one off and that one, that's fine. Thank you. Maybe we should, we can turn it down. You don't have to be in the company measured to the pictures may have even been in the company newspetter. They may be in the to and that one, that's fine. Thank you. Maybe we should, we can turn it down. You don't have to be in the company than you don't have to be in the company than you don't have to the psychologist? A Yes. Q Okay, now yesterday you told us that you had seen a psychologist sometime in 2010, at least that's what my notes and the psychologist? Because we'd Page 19 like to try and get the records from that psychologist. A I saw that psychologist? You loud us that you had seen a send it. Q And, do you have not seen his personnel file, so you don't know his educational background, do you? A No. A Well, I saw her because if a female psychologi	· .		į	
4 A Yes, because I would even be told "Take prictures", and 5 I would get all the prictures and I would put them in a diss, in a 6 DVD, and I would tuke them to the office. 7 And, they would use those pictures for the newsletter, the small newspaper that they have, so they could show what the a cativities that they had were. 8 And TTORNEY LIES Chay, before we go any further, I think 11 that Belkis is freezing. Should we turn the air conditioning 12 off? She's wrapped up in a seveater. 13 Maybe we should we can turn it down. You don't have 14 to sit there all wrapped up. 15 MS_SANTIAGOT That's fine. If you can turn this one off 16 and that one on, that's fine. Thank you. 17 BY ATTORNEY LIES: 18 Q So, the pictures we're talking about, some of the 19 pictures may have even been in the company newsletter they may 20 be. Is that right? 21 A Yes. 22 Q Okay, now yesterday you told us that you had seen a 23 psychologist sometime in 2010, at least that's what my notes 34 show. 25 What is the name of that psychologist? 26 A I saw that psychologist as part of the Employee 3 Assistance Program from the betweeny. I went to that psychologist 4 a Few times. I don't remember the name, but I can get the 5 information, and I can provide it to my Attorney so that he can 5 seed ii. 6 Q Okay, do you have most agent be farmed to the soft free under the Employee 14 A Right now, I don't remember. But, tomorrow I can call 15 the office and go to that location and get the information. 16 Q Okay, do you have ampore appointments currently 17 scheduled with this female psychologist through the Enfortmenton. 18 Q Okay, do you have ampore appointments currently 19 a No. 19 Q And, Use're not under any type of continuing treatment 20 to ask for free under the Employee Assistance Program. 21 Q Okay, do you have ampore appointments currently 22 or emotional condition, are you, sir? 23 A No. 24 Q Okay, do you have ampore appointments currently 25 a where she may he? 26 A No, I couldn't do it because I couldn't work. 27 Q And, I believe I as			ī	•
5 I would get all the pictures and I would put them in a disc, in a 6 DVD, and I would take them to the office. 7 And, they would use those pictures for the newsletter, 8 the small newspaper that they have, so they could show what the 9 activities that they had were. 10 ATTORNEY LIES: Okay, before we go any further, I think 11 that Belkis is freezing. Should we turn the air conditioning 12 off? She's wrapped up in a sweater. 13 Maybe we should, we can turn it down. You don't have 14 to sit there all wrapped up. 15 aMaybe we should, we can turn it down. You don't have 16 to the three all wrapped up. 16 and tan tone on, that's fine. If lyou can turn this one off 17 and tan tone on, that's fine. If lyou can turn this one off 18 Q So, the pictures we're talking about, some of the 19 pictures may have even been in the company newsletter they may 19 be. Is that right? 10 A Yes. 20 Q Okay, now yesterday you told us that you had seen a 21 psychologist sometime in 2010, at least that's what my notes 22 show. 23 psychologist sometime in 2010, at least that's what my notes 24 show. 25 What is the name of that psychologist? Because we'd 26 A I saw that psychologist? Because we'd 27 A Wesl, I saw her because it's a female 28 a Rey times. I don't remember the name, but I can get the 39 A Mell, I saw her because it's a female 30 Q And, do you renomber the name, but I can get the 30 A Right now, I don't remember the name, but I can get the 31 A Right now, I don't remember the name of the mapportiments currently 31 A No. 32 Q Okay, do you have anymore appointments currently 34 A Right now, I don't remember. But, tonorrow I can call 35 Q Okay, do you have anymore appointments currently 36 Q Okay, do, you have anymore appointments currently 37 A No. 38 Q Okay, do, you have anymore appointments currently 39 Q Okay, do, you have anymore appointments currently 40 Q Okay, do, you have anymore appointments currently 41 A Right now, I don't remem			1	
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24 different employees. I'd like to make sure we have clear record 24 taken out of the company.				
1 05 1				* *
25 here. 25 And, even with all of that, he was still given the	25	here.	25	And, even with all of that, he was still given the

5 (Pages 196 to 199)

	Page 200		Page 202
1	opportunity to resign, to make his own company, and Nalco hired	1	that you claim received more favorable treatment from the company
2	that company to provide services.	2	than you did, sir?
3	Q So, if I understand what you're telling me, Mr. Bray	3	A Of Edward, yes.
4	had problems with clients. Did he serve the same clients that you	4	Q And, that is the employee that you claimed received
5	did?	5	more favorable treatment from the company than you did, correct?
6	A Just in Amgen.	6	I just want to close this subject out.
7	Q So, you don't know what his problems were with clients,	7	A No, there's another one.
8	other than what you may know about Amgen, is that correct,	8	Q Okay, what other employee do you claim received more
9	because you didn't serve those other clients?	9	favorable treatment from the company than you did?
10	A Well, no, but Pablo Duggal (sic) and Jorge would	10	A Francisco Casanova.
11	discuss it with me that he was having problems with clients. He	11	Q When was Francisco Casanova hired?
12	would argue with clients, that he had problems with his character	12	A He was hired at the end of 2000 or 2001 the
13	in terms of arguing with clients. He had a strong character, and	13	beginning of 2001.
14	that he lost accounts.	14	Q And, what is Mr. Casanova's educational background?
15	Q All right, do you know whether or not Mr. Bray was put	15	A If I'm not mistaken, he's a Chemist, and I think he
16	on a Performance Improvement Plan, just like you were?	16	also has studies in Biology.
17	A No, because those things were done behind closed doors.	17	Q Have you ever seen his résumé?
18	Q Okay, do you know whether or not Mr. Bray was put on	18	A No.
19	probation, like you were?	19	Q What type of college degree does he have?
20	A No.	20	A If I'm not mistaken, it's a Bachelor's Degree in
21	Q Okay, and you were not present when Mr. Bray was talked	21	Chemistry and Biology.
22	to about being terminated and offered the opportunity to resign.	22	Q And, does he have any educational degrees past
23	Is that correct?	23	undergraduate?
24	A No, but he discussed it with me during the time that he	24	A No, I don't know.
25	was in negotiations and I was still working in Nalco. He	25	Q Okay, Mr. Casanova is Puerto Rican, is he not?
	Page 201		Page 203
1	discussed it with me on several occasions that they still hadn't	1	A Yes.
2	reached an agreement with the percentages, with the financial	2	Q Okay, all right, so are you claiming that he was
3	side.	3	treated more favorably than you were because he was Puerto Rican?
4	Q And, when did Mr. Bray leave Nalco?	4	A No.
5	A After I did.	5	Q What position was Mr. Casanova initially hired into?
6	Q What year?	6	A Like everyone, as an Applications Engineer.
7	A I'm not sure. It could be the end of 2008.	7	Q Applications Engineer I, II or III?
8	Q So, you're claiming that one employee, Mr. Bray, was	8	A I don't know. It should be III, which is the starting
9	treated more favorably than you by the company because, when he	9	one.
10	was being told he was going to be terminated, he was given an	10	Q And, is Mr. Casanova still working for the company?
11	opportunity to resign, and the company looked at some opportunity	11	A Yes, that's correct.
12	for him to continue performing some type of services as a	12	Q And, what is his current position?
13	consultant. Is that right?	13	A If I'm not mistaken, it's District Representative.
14	A Not as a consultant, but rather to perform	14	Q District Representative I, II or III?
15	installations and to take clients that are very small.	15	A It should already be I.
16	Q And, do you does Mr excuse me do you know	16	Q And, do you know anything about Mr. Casanova's medical
17	how much Mr. Bray may be earning in that job?	17	history? Do you know whether he has a disability or not?
18	A No.	18	A He has high blood pressure.
19	Q Do you know whether or not Mr. Bray was earning less	19	Q How do you know that?
	money than you're earning working for the company that you work	20	A Because he takes medication. And, many times he would
20	for now?	21	take it at the office, and he would tell me it was because he had
21		0.0	17.1.11
	A No, because I haven't talked to him.	22	high blood pressure. His face would many times get red.
21	A No, because I haven't talked to him. Q When was the last time you spoke to Mr. Bray?	23	Q Do you know anything else about Mr. Casanova's medical
21 22	\$		

6 (Pages 200 to 203)

1	Page 204		Page 206
1	Q And, how old is Mr how old was Mr. Casanova in	1	Q So, it's your opinion, sir, that you were more
2	2008?	2	technically qualified than Mr. Casanova. Is that correct?
3	A Thirty in his thirties.	3	A That's correct.
4	Q You have not seen Mr. Casanova's people folder, have	4	Q Okay, and that's your opinion?
5	you?	5	A That's a well, that's a fact.
6	A As I said before, that's not accessible to any	6	Q And, you have never seen any of his Performance Reviews
7	employee.	7	or any communications that he had with any of his clients, have
8	Q So, you have not seen any of Mr. Casanova's Performance		you, sir?
9	Reviews during the time he's worked for Nalco, have you?	9	A No.
10	A No.	10	Q Mr. Casanova, however, was skilled at being able to
11	Q Did you and Mr. Casanova service the same clients?	11	sell services and products, wasn't he, sir?
12	A Some, yes. I was the one who would cover his back.	12	A Yes, he would sell, but he didn't know what he was
13	Q When you say "cover his back", did you provide	13	selling. I would then have to go to his clients to solve the
14	technical services to some of his clients?	14	problems and solve whatever mess he had made with the client. I
15	A Yes.	15	would solve those problems for him so that he would then be in
16	Q Did he provide any technical services to any of your	16	the client's good graces.
17	clients?	17	Q So, Mr. Casanova was very good at selling services and
18	A No.	18	products for Nalco. And, you believe that you're very good at
19	Q When did you provide technical services to his clients?	19	going in and providing the technical services for those products
20	A In the beginning of the 2000's, and, if I'm not	20	and services. Isn't that correct?
21	mistaken, in 2006, 2007, 2008 also.	21	A Well, Mr. Casanova would sell products and services
22	Q Mr. Casanova is still employed by the company. Is that	22	because, before selling, he would ask me, on occasion, to go and
23	correct?	23	do the studies and the calculations so that then he was really
24	A That's correct.	24	selling the technical side, and he didn't know what he was
25	Q And, how old is he now?	25	selling.
	Page 205	***************************************	Page 207
1	A He should be forty.	1	Q So, if I understand what you've just told me, Mr.
2	Q And, you're claiming that he was treated more favorably	2	Casanova was very good at selling services and products, but you
3	than you were because he was in his thirties?	3	were very good at the technical services of going to make sure
4	A No.	4	that those products and services worked after they were sold to
5	Q In what way are you claiming he was treated more	-5	the client. Is that right?
6	favorably by the company than you were?	6	A Yes, because how Nalco works is that it's based on a
7	A Because he lost accounts, large accounts, and he's	7	strong, technical side. And, it's that strong, technical side
8	continued to lose accounts, and they've just taken him out of	8	which makes the sale.
9	those accounts.	9	Q So, now you've told us that you claim that Mr. Bray
10	I asked Jorge Ortíz "How is Casanova?" because I	10	received more favorable treatment from the company than you did,
	know we all know that, technically, he's not good. And, his	11	and you've explained that to us.
11	answer is "You know.".	12	And, now you've told us why you believe that Mr.
11 12			
11 12 13	Q Why in what way is Mr. Casanova, in your view no	17.2	Casanova received more favorable treatment from the company than
12	Q Why in what way is Mr. Casanova, in your view, no good technically?	13 14	Casanova received more favorable treatment from the company that you did.
12 13	good technically?	14	you did.
12 13 14	good technically? A Well, when the installations were being made well,		you did. Have you now told us about the employees that you claim
12 13 14 15	good technically?	14 15	you did.
12 13 14 15 16	good technically? A Well, when the installations were being made well, he could sell a 3D Trasar. In fact, he was the first one who sold one in Latin America.	14 15 16	you did. Have you now told us about the employees that you claim received more favorable treatment from the company than you did? A Yes.
12 13 14 15 16 17	good technically? A Well, when the installations were being made well, he could sell a 3D Trasar. In fact, he was the first one who sold	14 15 16 17	you did. Have you now told us about the employees that you claim received more favorable treatment from the company than you did? A Yes. Q Okay, now yesterday we looked at your Answers to the
12 13 14 15 16 17 18	good technically? A Well, when the installations were being made well, he could sell a 3D Trasar. In fact, he was the first one who sold one in Latin America. But, he couldn't put that equipment to work as it was	14 15 16 17 18	you did. Have you now told us about the employees that you claim received more favorable treatment from the company than you did? A Yes. Q Okay, now yesterday we looked at your Answers to the Interrogatories, which is Exhibit 019, I believe. Well, I'll give
12 13 14 15 16 17 18 19	good technically? A Well, when the installations were being made well, he could sell a 3D Trasar. In fact, he was the first one who sold one in Latin America. But, he couldn't put that equipment to work as it was supposed to be put to work, and he had it working just as an expensive tracer.	14 15 16 17 18 19	you did. Have you now told us about the employees that you claim received more favorable treatment from the company than you did? A Yes. Q Okay, now yesterday we looked at your Answers to the Interrogatories, which is Exhibit 019, 1 believe. Well, I'll give you the original, and your Attorney can look at his copy.
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12 13 14 15 16 17 18 19 20 21 22	good technically? A Well, when the installations were being made well, he could sell a 3D Trasar. In fact, he was the first one who sold one in Latin America. But, he couldn't put that equipment to work as it was supposed to be put to work, and he had it working just as an expensive tracer. Q And, when did this happen? A He had about seventeen 3D Trasars on the island, and none of them was working as 3D. I had three, and two of them were	14 15 16 17 18 19 20 21	you did. Have you now told us about the employees that you claim received more favorable treatment from the company than you did? A Yes. Q Okay, now yesterday we looked at your Answers to the Interrogatories, which is Exhibit 019, 1 believe. Well, I'll give you the original, and your Attorney can look at his copy. And, on page nine if you'll turn to that you say, at the bottom of the page, that Mr. Castillo would stroke your stomach. Do you recall that?
12 13 14 15 16 17 18 19 20 21 22 23	good technically? A Well, when the installations were being made well, he could sell a 3D Trasar. In fact, he was the first one who sold one in Latin America. But, he couldn't put that equipment to work as it was supposed to be put to work, and he had it working just as an expensive tracer. Q And, when did this happen? A He had about seventeen 3D Trasars on the island, and	14 15 16 17 18 19 20 21 22 23	you did. Have you now told us about the employees that you claim received more favorable treatment from the company than you did A Yes. Q Okay, now yesterday we looked at your Answers to the Interrogatories, which is Exhibit 019, I believe. Well, I'll give you the original, and your Attorney can look at his copy. And, on page nine if you'll turn to that you say, at the bottom of the page, that Mr. Castillo would stroke your

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l	D 000		D 010
	Page 208		Page 210
1	or stroked your tummy or your belly?	1	A It was like rubbing a Buddha.
2	A Every time he would ask me about my weight. Every time	2	Q So, how many seconds was that, one to two seconds?
3	he would come to Puerto Rico.	3	A Four or five.
4	Q So, it's your testimony that, every time he came to	4	Q Four or five seconds, okay.
5	Puerto Rico, he would stroke your belly? Is that correct?	5	ATTORNEY CUADROS-PESQUERA: Maybe you want to go and rul
6	A Yes, every time he would ask me about my weight.	6	Mr. Duggal's belly.
7	Q Okay, now you told us yesterday that he talked to all	7	ATTORNEY LIES: Okay, let me just so the record will
8	the employees about their weight.	8	show, I did, in fact, put my left hand on Mr. Duggal's
9.	And, in fact, you told us yesterday that everyone was	9	stomach.
10	overweight, didn't you?	10	One time I held it there for one or two seconds.
11	A Not everybody. There were two persons who were not	11	Another time I brushed it lightly across his stomach for one
	overweight, Dennis López and Edward Bray.	12	to two seconds, as demonstrative as part of the question to
13	Q Were not overweight?	13	the Witness so that the record is clear.
14	A Who were not overweight.	14	BY ATTORNEY LIES:
15	Q Okay, what does overweight mean to you? Did you ever	15	Q Now, when Mr. Castillo would talk to employees
	put them on a scale to figure out what their weight was?	16	generally about their weight, you told us yesterday that he
17	I'm trying to figure out how you, sir, believe they're	17	considered himself to be very physically fit. Is that right?
	overweight, overweight or underweight.	18	A Correct.
19	A Look at Pablo. Look at me. Jorge was the same. Casanova	19	Q Did Mr. Castillo run or exercise or lift weights? What
	was the same. Pedro Lara was the same.	20	did he do?
21	Q What does "the same" mean?	21	A On several occasions when I would go pick him up at the
22	A The same shape of the body, with a full belly.	22	hotel, he had just finished running.
23	Q So, that means that many of the people that were	23	Q So, Mr. Castillo did you consider Mr. Castillo to be
	working there had full, round bellies like yours. Is that right?	24	overweight?
25	A Yes, but Castillo, well, the one that he would always	25	A No.
	Page 209		Page 211
1	ask and whose belly he would always rub was me.	1	Q And, it's your understanding, sir, that he talked to
2	Q Okay, now you said he came to Puerto Rico four times a	2	all the employees that he considered to be overweight about their
3	year. You said it was every two to three months. So, he came four	3	weight. Is that correct?
4	times a year, and he was usually here for a week. Is that right?	4	A Well, he said, on several occasions and in several
5	Is that what you told us yesterday, sir?	5	meetings, that we didn't have the standard for a District
6	A Yes, but there were times that the visits were closer	6	Representative. That it should be somebody who had a good
7	together. There were times that the visits were every three	7	demeanor, a good body.
8	months or every four months.	8	Q What kind of body did he say people should have?
9	Q So, if Mr. Castillo came to the country, to Puerto	9	A Like his.
	Rico, four times or five times a year, is it your testimony that	10	Q Okay, so he was not overweight. That's the kind of body
	one time, on each trip so that would be four times or five	11	that he thought people should have. Is that right, to your
	times a year he touched your belly and talked about your	12	understanding?
	weight? Is that right?	13	A Yes, that's correct.
14	A Approximately.	14	Q And, he was concerned about employees being overweight,
15	Q So, he touched your tummy or belly four to five times a	15	wasn't he, sir? And, that's one of the reasons that he brought
	year. Is that right?	16	Sandra in to talk to everybody about high levels of cholesterol
17	A Correct.	17	that you told us about yesterday. Isn't that true.
18	Q And, how many seconds did he touch your belly? Did he	18	A Yes.
	touch your belly and hold his hand on there or did he brush your	19	Q And, did you try to lose weight while you were working
	belly? Was it a second, was it two seconds? How long did he touch	20	for Nalco?
	your belly?	21	A Yes.
22	And, let me demonstrate here. Did he put his hand on	22	Q When Mr. Castillo touched your stomach, as you talked
	your belly and hold it like this for one or two seconds? Did he	23	about, did you ever report that to Naperville or to anyone else
	brush it across your belly? What did he do when he touched your	24	that you considered that to be anything that was improper?
	belly?	25	A No, I didn't report it to Naperville. But, whenever he

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	Page 212		Page 214
1	left, it was talked about in the group that those types of	1	ATTORNEY CUADROS-PESQUERA: Counsel, why don't we jus
2	comments were wrong.	2	translate it literally?
3	Q Oh, okay. So, all the people in the group did not like	3	ATTORNEY LIES: I'll ask the Court Reporter to translate
4	the comments about weigh?	4	it literally, if he can.
5	A Well, I don't know if everybody in the group didn't	5	COURT REPORTER: The Interpreter.
6	like the comments about weight. But, at least it was talked	6	ATTORNEY LIES: I'm sorry, the Interpreter, the
7	about, and I know that two or three of the people in the group	7	Translator, literally, if he can.
8	didn't like those comments.	8	INTERPRETER: But, the
9	And, on several occasions, it was mentioned in the	9	ATTORNEY LIES: I don't speak the language, and I'm told
10	group that, if that was Nalco's idea of a Service	10	that's what it means. If it means something else, then
11	Representative of a District Representative, then Nalco,	11	somebody else can interpret it for me.
12	Puerto Rico was not going to have an office because none of us	12	INTERPRETER: The Interpreter, at this moment, can't do
13	would fit that idea.	13	it because the Interpreter believes that that is a cultural
14	Q So, did you consider Mr. Castillo's comment about your	14	phrase. It's something cultural, and the Interpreter would
15	weight to be something that you thought was rude?	15	have to look at it and take time and research it.
16	A Yes, he didn't care.	16	So, if there is a translation that's been provided
17	Q Did you ever tell Mr. Castillo not to rub your tummy	17	ATTORNEY CUADROS-PESQUERA: There is a literal
18	when he came to visit?	18	translation, and the literal translation is "Don't be a
19	A No, but I would avoid it.	19	female egg.".
20	Q So, you don't know, if you had told Mr. Castillo to	20	INTERPRETER: If Counsels like that, the Interpreter
21	stop rubbing your belly, whether he would have stopped because	21	wouldn't stand by that translation. But, if Counsels believe
22	you never told him. Isn't that correct?	22	that's what it should be, then that's up to Counsels.
23	A No, I didn't tell him, and I don't know if he would	23	ATTORNEY LIES: Okay, I'd like the record to show where
24	have stopped doing it. But, most likely, he would have done it	24	the word female is in that phrase. I don't speak Spanish,
25	more.	25	but I don't see the word "female".
	Page 213		Page 215
1	Q Well, you don't know whether he would have stopped or	1	ATTORNEY CUADROS-PESQUERA: In Spanish, the final 'A' or
2	not because you never asked him. Isn't that true?	2	'O' of both words, in this case, is the gender. Huevo is a
3	A Correct, but you have to know and get to know	3	male egg and hueva is a female egg.
4	Columbians and get to know Columbia men. They like to mock	4	ATTORNEY LIES: Okay.
5	people, and they are what's I'm trying to look for the	5	ATTORNEY CUADROS-PESQUERA: I think anybody who speaks
6	word well, they like to mock people, and they enjoy making	6	Spanish will verify that.
7	people feel less.	7	ATTORNEY LIES: Okay.
8	Q So, you don't like Columbia men. Is that correct?	8	ATTORNEY RIESCO: I've personally never heard of the
9	A Not all of them.	9	word hueva to refer to an egg.
10	Q All right, and Mr. Castillo wanted his District	10	ATTORNEY CUADROS-PESQUERA: Do you know the rules of
11	Representatives to have a certain image concerning when they	11	grammar?
11	Representatives to have a certain image concerning when they		
12	would go out to visit clients, and that's the reason you think he	12	ATTORNEY RIESCO: Yes, but I've never heard the word
12 13	· ·	12 13	ATTORNEY RIESCO: Yes, but I've never heard the word used to mean egg.
12	would go out to visit clients, and that's the reason you think he		
12 13 14 15	would go out to visit clients, and that's the reason you think he was talking about everyone's weight. Is that correct?	13	used to mean egg.
12 13 14	would go out to visit clients, and that's the reason you think he was talking about everyone's weight. Is that correct? A Yes.	13 14	used to mean egg. ATTORNEY MC CARTNEY: I think the whole point is sort of
12 13 14 15 16 17	would go out to visit clients, and that's the reason you think he was talking about everyone's weight. Is that correct? A Yes. Q Okay, turning to page eleven in your Answers to	13 14 15	used to mean egg. ATTORNEY MC CARTNEY: I think the whole point is sort of moot because it's very clear that this term is not being
12 13 14 15 16 17	would go out to visit clients, and that's the reason you think he was talking about everyone's weight. Is that correct? A Yes. Q Okay, turning to page eleven in your Answers to Interrogatories, you say that, on certain instances when you	13 14 15 16	used to mean egg. ATTORNEY MC CARTNEY: I think the whole point is sort of moot because it's very clear that this term is not being used in its literal sense.
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12 13 14 15 16 17 18 19	would go out to visit clients, and that's the reason you think he was talking about everyone's weight. Is that correct? A Yes. Q Okay, turning to page eleven in your Answers to Interrogatories, you say that, on certain instances when you didn't please Mr. Castillo, he would say "No seas hueva." or "Eres una hueva.". That's the best I can do. And, you claim he	13 14 15 16 17 18	used to mean egg. ATTORNEY MC CARTNEY: I think the whole point is sort of moot because it's very clear that this term is not being used in its literal sense. So you know whatever the literal interpretation of hueva is I think is moot because it's clearly not being
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12 13 14 15 16 17 18 19 20 21 22	would go out to visit clients, and that's the reason you think he was talking about everyone's weight. Is that correct? A Yes. Q Okay, turning to page eleven in your Answers to Interrogatories, you say that, on certain instances when you didn't please Mr. Castillo, he would say "No seas hueva." or "Eres una hueva.". That's the best I can do. And, you claim he said that. Is that right? A Yes, that's correct. Q Okay, now how many times did well, first of all, isn't it true that the phrase these phrases that we just read	13 14 15 16 17 18 19 20 21	used to mean egg. ATTORNEY MC CARTNEY: I think the whole point is sort of moot because it's very clear that this term is not being used in its literal sense. So you know whatever the literal interpretation of hueva is I think is moot because it's clearly not being used in its literal sense in the context of this Answers to Interrogatories. ATTORNEY CUADROS-PESQUERA: We don't know in what sense that it's meant because we don't have any testimony to that

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Page 216 Page 218 ATTORNEY CUADROS-PESQUERA: Well, go ahead, proceed 1 1 which ones you heard him use towards other Nalco employees? 2 ATTORNEY LIES: No, I want to get this solved because... 2 A The one he would use the most is "No seas hueva.". 3 3 ATTORNEY MC CARTNEY: Maybe ... Q And, how many times did you hear him using that phrase 4 BY ATTORNEY LIES: 4 over the cell phone when he was talking to other employees of 5 Q Okay, Mr. Aponte, we'll try it a different way. The 5 6 three quotations or phrases that I posed to you a few minutes ago 6 A I really don't remember how many times, but it was 7 that you claim Mr. Castillo may have said from time to time, what 7 several times. 8 8 was your interpretation of what those words meant or those Q And, how many times did he use that phrase, which you 9 9 say means "asshole", how many times did he use that phrase when 10 A Okay, well, he would use those phrases whenever 10 he was talking with you? 11 somebody wouldn't do exactly what he wanted them to do. Whenever 11 A A few times, five, six times. 12 somebody wouldn't do specifically what he wanted, he would use 12 Q And, that was five or six times... strike that. Mr. 13 those phrases. 13 Castillo and you worked together for how many years? 14 And, I know a lot of Columbians, and he's the only one 14 A Four or five years. 15 that I know of who uses those phrases. 15 Q So, over a period of four or five years, he called you 16 Q Okay, I'd like to find out what your understanding of 16 an asshole five or six times. Is that correct? 17 17 what the phrase meant, if it means something other than what I A Or more. 18 asked you earlier, "Don't be silly." or "Don't be stupid.". 18 Q Okay, ten times? 19 19 If it means something else besides that, tell me what A Probably, but I don't remember how many because there 20 you understand it means? 20 were a lot of incidents then. 21 21 A Okay, it's something like telling somebody "Don't be an Q Okay, I want to know was it five or six times or was it 22 asshole.". 22 six or seven times? How many times was it? 23 Q So, it's a form of a curse word? 23 A Let's say seven times. 24 A To not say a curse word, he would say that. 24 Q Seven times. And, did you ever call Naperville, under 25 Q Okay, now you just said a minute ago whenever 25 the company's Anti-Harassment Policy, and make a complaint Page 217 Page 219 1 someone... whenever anyone would not do something that he wanted, 1 because you did not like Mr. Castillo using the term "asshole"? 2 he would use that phrase or those phrases. Do you recall telling 2 A No, and I already explained that yesterday. 3 3 us that a couple of minutes ago? Q Okay, now, in addition to what you claim he may have 4 A Yes, that's correct. said this to you seven times over a period of four or five years, 5 5 Q Okay, so tell me who else he used that phrase with when and what you heard on the cell phone, did you hear him use that 6 they didn't do what he wanted them to do? And, I want your best 6 term when he was... when you were in the presence of another 7 7 recollection of everyone that you heard him make that comment to employee, and he used that term towards them? 8 when they didn't do what Mr. Castillo wanted them to do. 8 A Yes, he used it. 9 9 A Well, the times that I remember that he used it and he Q Okay, and which other employees did he call an asshole 10 wasn't using it with me was on the phone, when he was talking to 10 during the time that Mr. Castillo was present with you and 11 some of the representatives who I didn't know who it was, when we 11 another employee? 12 were in the car and he would tell them. 12 A I can't say to which employee, but it was towards the 13 Q You told us yesterday that, from time to time, you 13 group. 14 would pick him up at the Caribe Hotel, I believe, and drive him 14 Q Okay, so he talked towards the entire group and used 15 to work, to the offices. Is that right? 15 the term "asshole". Is that correct? 16 16 A Yes, that's correct. A On occasions, yes. 17 Q And, while you were driving him, was he on his cell 17 Q Okay, and who was in the group? Were there Puerto 18 phone sometimes? 18 Ricans and non-Puerto Ricans in the group? 19 A That's correct. 19 A Well, there were two who weren't Puerto Rican in that 20 20 Q So, when he was on his cell phone, it was your group, and one was Pablo Duggal and the other one was him. 21 understanding that he was talking to someone, but you were only 21 Q So, when Mr. Castillo used the term "asshole", which 22 hearing one side of the conversation. Is that correct? 22 you thought was rude, in front of a group, the group included 23 A Yes, that's correct. 23 individuals who were of Puerto Rican descent, as well as people 24 Q And, you heard him talking to other Nalco employees 24 who were not of Puerto Rican descent. Is that correct? Do I 25 using all three of these phrases or one of these phrases? Tell me 25 understand what you're telling me?

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	Page 220		Page 222
1	A Yes.	1	A When the word "manada" was stated, to me, it wasn't
2	Q Okay, and, when I used the term "asshole", that was	2	"crowd". It was "pack".
3	your interpretation of what these three phrases mean. Is that	3	Q When was this? This was yesterday? I don't remember
4	correct? He didn't use the term "asshole". I was using that as a	4	that word.
5	reference to using these three phrases. Do you understand that?	5	A Yes, that's correct.
6	A That's correct.	6	Q Okay, so, other than that word or whatever that phrase
7	ATTORNEY LIES: Okay, let's take a break. This is	7	means, you have no objection to the accuracy with which this
8	getting me all screwed up.	8	Interpreter has taken the question, given it to you in Spanish,
9	(Off the record.)	9	you've responded back, and he's given it back to me, do you, sir?
10	(Brief recess.)	10	ATTORNEY CUADROS-PESQUERA: Counsel, the only person wh
11	(Back on the record.)	11	makes any objections here is the attorney representing the
12	ATTORNEY LIES: Okay, let's go back on the record.	12	client, the Deponent.
13	BY ATTORNEY LIES:	13	And, I stand by my objection that the word "pendejo"
14	Q Mr. Aponte, I asked you some questions regarding these	14	means "pubic hair". It does not mean "asshole".
15	phrases that are contained in your Answers to Interrogatories.	15	ATTORNEY MC CARTNEY: Your objection is noted.
16	And, you gave us your interpretation of these phrases that are	16	ATTORNEY CUADROS-PESQUERA: That's fine.
17	contained here and that are in the record as meaning something to		ATTORNEY LIES: And, I respect your objection. My point
18	the effect of "asshole". Is that correct?	18	is, if there is something that the Witness believes that
19	A That's correct.	19	this Interpreter has not accurately interpreted, then I'm
20	Q And, that is your interpretation. Is that correct?	20	going to go back to that, and we're going to straighten that
21	A Yes, given the tone and the situations that these were	21	out right now.
22	mentioned, yes.	22	Because, if this case goes to trial and the Witness
23	Q Okay, and Mr. Castillo never used the actual "asshole",	23	says "That's not a correct interpretation.", I don't want to
24	which is "pendejo", did he?	24	face that at trial.
25	A That's correct.	25	You certainly can make whatever objections you believe
23	A mais contect.	20	Tod certainly can make whatever objections you believe
	Page 221		Page 223
1	ATTORNEY CUADROS-PESQUERA: Counsel, at this point, I	1	concerning that, and I understand that. Fine. I want to get
2	would like to clarify that the word "pendejo", in Spanish,	2	this straightened out if there's any issues, and we only
3	is translated as "pubic hair" into English. It is not	3	have it on one word apparently.
4	"asshole".	4	BY ATTORNEY LIES:
5	INTERPRETER: The Interpreter is going to stand by his	5	Q Is that correct? There's only one objection as to one
6	translation acknowledging that Counsel's translation, in a	. 6	word, the word "manada"?
7	strict, literal, dictionary sense, is correct, and that is a	7	A To my best understanding, yes.
8	correct translation.	8	ATTORNEY LIES: And, what does "manada", just so I know
9	But, the Interpreter believes that, given the context	9	what that means?
10	and given the situation, the Interpreter's translation is	10	INTERPRETER: Well, the Interpreter may make a
11	accurate in this instance.	11	clarification. The Interpreter used the word "crowd" in a
12	ATTORNEY CUADROS-PESQUERA: I take issue with that	12	specific answer, and then the Interpreter used the word
13	translation.	13	"pack" in the next sentence, in the next answer, that the
-1 -	ATTORNEY LIES: Okay, let's get straight to the heart of	14	Witness provided.
14			
15	this then.	15	And, the Interpreter believes that the word "pack" was
15 16	this then. BY ATTORNEY LIES:	16	a more accurate answer, but the word "crowd" was also an
15	this then. BY ATTORNEY LIES: Q Mr. Aponte, do you have any objection to the way in		
15 16	this then. BY ATTORNEY LIES: Q Mr. Aponte, do you have any objection to the way in which this Interpreter has been interpreting my questions to you	16	a more accurate answer, but the word "crowd" was also an
15 16 17 18 19	this then. BY ATTORNEY LIES: Q Mr. Aponte, do you have any objection to the way in	16 17	a more accurate answer, but the word "crowd" was also an accurate answer. "Pack" was more accurate.
15 16 17 18	this then. BY ATTORNEY LIES: Q Mr. Aponte, do you have any objection to the way in which this Interpreter has been interpreting my questions to you	16 17 18	a more accurate answer, but the word "crowd" was also an accurate answer. "Pack" was more accurate. BY ATTORNEY LIES:
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15 16 17 18 19 20 21	this then. BY ATTORNEY LIES: Q Mr. Aponte, do you have any objection to the way in which this Interpreter has been interpreting my questions to you and your answers back to me after you have answered the question? Do you have any objection to anything he has said, in the last two days, about the way he has interpreted the questions that have been put to you and his response back to me?	16 17 18 19 20 21 22	a more accurate answer, but the word "crowd" was also an accurate answer. "Pack" was more accurate. BY ATTORNEY LIES: Q Mr. Aponte, are these phrases that we talked about earlier, that are in your Answers to Interrogatories, are those phrases that you have used from time to time? A No.

11 (Pages 220 to 223)

1 2 3 4	Q Okay, now you say, further in the answers to the same	_	
3 4		1	attorney. I spoke to an attorney to ask her what course of action
4	question:	2	I had to take in order to work with the pension, so it wouldn't
	"After some time of hearing these phrases from Mr.	3	accrue, so that I wouldn't end up in jail.
	Castillo, the Puerto Rican sales force began to use those	4	Q So, what was the name of the attorney that you spoke
5	phrases between them like a joke.". Do you see that?	5	to?
6	A Yes, I see it.	6	A I don't remember.
7	Q So, how many of the employees in the Puerto Rican sales	7	Q Did you call that attorney for the first time on the
8	force started using those terms like a joke?	8	day that you were terminated?
9	A Three or four.	9	A It was a neighbor.
10	Q And, who were the three or four employees who used the	10	Q So, the first time that you talked to the attorney
11	term these terms like a joke, as you have said your Answers to	11	about having a pension reduction was the same day that you were
12	Interrogatories here?	12	terminated?
13	A Jorge Ortíz, Francisco Casanova, Ashok Duggal, and also	13	A Yes, about legal matters, yes.
14	Pedro Lara.	14	Q Okay, did you speak to Belkis before you were
15	Q And, anyone else?	15	terminated about getting your pension reduced for the child of
16	A Of the Puerto Rican sales force, no.	16	your first marriage?
17	Q Okay.	17	A No.
18	A That's my best recollection.	18	Q And, did you get the pension reduced?
19	Q Okay, and how many times did you hear these employees	19	A Yes.
20 21	from the Puerto Rican sales force using those phrases like a	20	Q And, when did that happen? There's no answer in your
22	joke?	21 22	Interrogatory.
23	A Practically every time there was a meeting. Q And, how frequently were there meetings?	23	A When was it that the pension was reduced? It was like in September of last year. I don't remember very well.
24	A There was supposed to be a monthly meeting and every	24	Q September of 2009?
25	time that they would see each other in the office.	25	A Correct.
	Page 225		Page 227
1	Q Okay, so at every one of these monthly meetings people	1	Q And, was there a hearing for the determination about
2	were using these phrases like they were a joke. Is that correct?	2	whether the pension should be reduced?
3 4	A At some moment, yes.	3	A Yes, there was a hearing, and it was with this
5	Q Okay, and for how many years were employees using these phrases at the sales meetings like a joke?	4 5	person was a judge, but it's like a pension analyst.
6	A Well, that, I really can't say in terms of a specific	<i>5</i>	Q Okay, did you testify? A No.
7	moment in time, but it was about two or three years.	7	Q Did Belkis testify?
8	Q So, you heard these phrases being used as a joke by	8	A No, the only thing that was taken was the evidence of
9	employees in the Puerto Rican sales force on a monthly basis for	9	the income there was at that time, and nothing else.
10	two or three years. Is that right?	10	Q And, by the time the pension was reduced, you were
11	A Correct.	11	already working for your new employer. Is that right?
12	Q Okay, when you I believe you told us yesterday the	12	A Correct.
13	day that you were terminated you started taking action to seek a	13	Q Now, when did you and Belkis get married?
14	pension reduction, did you not?	14	A June, 2003.
15	A I don't remember having said that yesterday, but that	15	Q And, what was the date of the divorce?
16	is here in the answers.	16	A April or March I don't remember very well of
17	Q Now, on the day that you were terminated, you've told	17	2009. That's a date that I don't remember.
18	us what took place at that time. Did you have some type of legal	18	Q And, before getting divorced, did you and Belkis go to
19	obligation to pay a pension to your former wife for your son from	19	any marriage counselors?
20	your previous marriage?	20	A No.
21	A Yes, that's correct.	21	Q When did you and Belkis first discuss getting divorced?
22	Q And, when you started to take action to have that	22	A It was in the beginning of 2009.
23	pension reduced on the day that you were terminated, what did you	23	Q So, what happened to the marriage that caused if you
24	do? Did you talk to Belkis?	24	went to no marriage counselors and you hadn't discussed
25	A Of course I spoke to her. And, also we spoke to an	25	divorce what caused this marriage to you to discuss the

12 (Pages 224 to 227)

	Page 228		Page 230
1	possibility of a divorce in early 2009?	1	A Well, that word in Puerto Rican and Latin America is
2	A That was through mutual consent that we didn't tell the	2	much stronger. It goes beyond being "stupid".
3	judge.	3	Q So, you and Belkis divorced each other, at least
4	Q Was the divorce for economic reasons?	4	according to you, to be in a long-distance relationship like this
5	A Again, we didn't tell the judge.	5	was stupid?
6	Q I'm asking you was the divorce for economic reasons?	6	A Well, it's not stupid. It's just that the distance
7	What was the reason why you and Belkis decided to get divorced by	7	damages the relationship.
8	consent?	8	Q I don't mean to be insensitive, Mr. Aponte, but was
9	A Part of it was for financial reasons, but the other	9	there any infidelity involved in the decision to divorce, for you
10	part was the separation that we had.	10	and Belkis to get divorced?
11	Q Okay, when did the two when did you and Belkis	11	A Neither of the two of us are people that, before
12	separate?	12	finishing a relationship, would go into another one.
13	A In October.	13	Q I didn't ask you whether or not you were in another
14	Q Of what year?	14	relationship. Were there any acts of infidelity that caused you
15	A 2008.	15	and Belkis to get divorced?
16	Q And, what was the reason for the separation?	16	A That's why I answered what I answered. The answer is
17	A Working in Mayaguez.	17	no.
18	Q So, it wasn't because you two did not love each other	18	Q At this point in time, you told us about your
19	anymore. It's because you were working in Mayaguez. Is that what	19	relationship with Belkis. Do you consider yourself to still be in
20	the answer is?	20	emotional love with her?
21	A Let me see how I can say this that it doesn't sound	21	A I have feelings, yes.
22	bad. There was also problems in the emotional side of the	22	Q Do you consider those to be feelings of love for
23	relationship due to the separation.	23	Belkis?
24	There's a phrase here that I don't want to say it	24	A Love to the mother of my children.
25	because it sounds bad, but it explains it well.	25	Q Do you believe that Belkis has feelings of love for
·			
	Page 229	1	Page 231
1	Q And, what is the phrase?	1	you?
2	A "Amor de lejos, amor de pendejo."	2	A Well, she feels love to me as the father of her
3	INTERPRETER: Just a second.	3	children.
4	PAUSE	4	Q Now, you told us yesterday that the two children are
5	INTERPRETER: The Interpreter is going to state, for the	5	with her, and that you go over to the house for holidays and
6	record, that the Deponent has stated a very cultural, Puerto	6	birthdays and spending time with the children. Do you recall when
7	Rican phrase for which the Interpreter, right now, doesn't	7	we talked about that yesterday?
8	remember the appropriate English translation.	8	A Yes, that's correct.
9	The Interpreter is going to suggest that Counsels can	9	Q Okay, do you ever stay overnight at Belkis' house?
10	do whatever they deem appropriate to state the phrase for	10	A Yes.
11	the record in Spanish, and take it from there, whatever	11	Q How frequently do you stay overnight at Belkis' house?
12	Counsels believe should be asked to the Witness.	12	A When I go to see the children.
13	BY ATTORNEY LIES:	13	Q And, how frequently is that?
14	Q Mr. Aponte, would you state whatever this phrase is	14	A Once a week.
15	that you're relying upon, in Spanish, for the record, so that we	15	Q Okay, and, since the time that you and Belkis have been
16	can have that on the record?	16	divorced, have you ever had intimate relations with each other?
17	A Yes. "Amor de lejos, amor de pendejo."	17	A No.
18	Q So, this phrase "Amor de lejos, amor de pendejo.", does	18	ATTORNEY LIES: Let me just take five minutes to see if
19	that mean something to the effect that "Love from afar means love	19	I have anything else.
20	that is stupid."?	20	(Off the record.)
21	A It's a little bit stronger than that.	21	(Brief recess.)
22	Q So, tell us what the phrase means to you, sir?	22	(Back on the record.)
23	A It's that the last word that you used in the phrase is	23	ATTORNEY LIES: Okay, back on the record.
24	a word that's much stronger than "stupid".	24	BY ATTORNEY LIES:
25	Q What does that word mean in the phrase that he used?	25	Q I'm going to hand you what's been marked as Exhibit

13 (Pages 228 to 231)

	Page 232		Page 234
1	020.	1	Q And, is there any other facts that you have that
2	ATTORNEY LIES: And, for the record, it purports to be a	2	support your Complaint that you haven't told us about in your
3	copy of the Complaint that was filed on your behalf and	3	testimony yesterday and today, sir?
4	Belkis' behalf in Federal Court.	4	A That I remember right now, at this moment, no. But, it
5	(Whereupon, the above-referenced document was marked as	5	could happen, just like yesterday, through the questions and the
6	Exhibit 020 of the deposition.)	6	Examination, that something comes to mind.
7	BY ATTORNEY LIES:	7	Q So, as you sit here today, based upon what you remember
8	Q And, I'm going to ask you to take a moment, and tell me	8	as of today's date, the current state of your memory, you have
9	whether or not you've ever seen this document before?	9	told us every fact that you are aware of that supports your
10	PAUSE	10	Complaint or your Answers to Interrogatories. Is that correct?
11	(Revision of document by Deponent.)	11	A That's correct.
12	A Yes, I've seen it.	12	ATTORNEY LIES: Okay, at this time, I have no further
13	BY ATTORNEY LIES:	13	
1		14	questions, and I pass the Witness to Counsel, if he has any
14	Q Okay, if you turn to page sixteen, there is what		questions.
15	purports to be your signature under a Statement Under Penalty of	15 16	ATTORNEY CUADROS-PESQUERA: We have no questions. Thank
16	Perjury.		you very much.
17	And, I'm going to ask you whether or not that, in fact,	17	ATTORNEY LIES: Okay, Counsel, do you wish to then
18	is your signature?	18	advise your client about his right to read the deposition,
19	A Yes, that's correct.	19	reserve his signature or to waive that right? I assume that
20	Q And, did you sign the Statement Under Penalty of	20	exists down here. The Witness has a right to
21	Perjury on or about March 6th of 2009?	21	ATTORNEY CUADROS-PESQUERA: Yes, usually, you will
22	A Yes, that's correct.	22	notify us with a copy, and we will give you'll give us a
23	Q And, on that date, did you sign that Complaint, this	23	number of days in which to review and subscribe or whatever.
24	document, Exhibit 020, in your lawyer's offices?	24	ATTORNEY LIES: I understand that. I just typically
25	A Yes, that's correct.	25	would want something on the record that says the Witness
	Page 233		Page 235
1	Q And, was Belkis also in the office with you?	1	either through Counsel or alone, says "I reserve my right to
2	A No.	2	read the deposition when presented to me, and make any
3	Q She wasn't there at the same time that you signed the	3	corrections.", just so that's on the record.
4	Complaint?	4	I don't know if that's local practice here or not.
5	A No.	5	That's the practice
6	Q And, did anyone explain to you, before you signed this	6	ATTORNEY CUADROS-PESQUERA: We've done it, and we've now
7	document strike that. What is your understanding of what	7	done it. So, for the purposes
8	perjury is?	8	ATTORNEY LIES: Reserve the signature?
9	A To lie under oath.	9	ATTORNEY CUADROS-PESQUERA: let's reserve the
10	Q Okay, now you have not filed an Amended Complaint. This		signature.
11	is the only Complaint you've filed, correct, sir, as far as you	11	ATTORNEY LIES: All right, very well. Thank you very
12	know?	12	much, sir. We're done.
13	A As far as I know, yes.	13	DEPOSITION CONCLUDED OCTOBER 13, 2010, AT 11:40 A.M.
14	Q So, all the complaints that you have against Nalco are	14	33.3.3.3.3.3.3.3.3.3.3.3.3.3.3.3.3.3.3.3
15	set out in this Complaint, which is Exhibit 020. Is that correct?	15	
16	A Correct.	16	
17	Q Okay, over the last day and a half, I've asked you a	17	
18	number of questions about matters in your Complaint and matters	18	
19	that are in your Answers to Interrogatories.	19	
20	Is there anything you would like to add, any additional	20	
21	facts that you would like to add, to any of the answers that you	21	
22	gave me to any of the questions I asked about your Complaint or	22	
23		23	
23	your Answers to Interrogatories?	24	
25	A About the questions you've asked me and the answers	25	
20	I've given, no.	23	

14 (Pages 232 to 235)

	Page 236	
1		
1 2	CERTIFICATE OF REPORTER	
3	 I, GREGORIA ECHEVARRÍA, Court Reporter and a member of Vega Reportage; 	
4	DO HEREBY CERTIFY: That the foregoing transcript is a full,	
5	true and correct record of the testimony given which was taken	
6	down by me and thereafter reduced to the typewritten form under	
7	my direction and supervision.	
8	I FURTHER CERTIFY: That I am not in any way involved or	
9	interested in the outcome of said action.	
10	WITNESS my hand this 20th day of October, 2010, in San Juan,	
11	2010	
12	Puerto Rico.	
13	Control of the Contro	
14		
15	GREGORIA ECHEVARRÍA	
16	Court Reporter	
17	·	
18		
19		
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	Page 237	
1	CERTIFICATE OF DEPONENT	
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2	· · · · · · · · · · · · · · · · · · ·	
2 3	l, DONATO APONTE-NAVEDO, of legal age, certify that:	
3	I, DONATO APONTE-NAVEDO, of legal age, certify that: I have read the transcript of my deposition, taken on	
	I, DONATO APONTE-NAVEDO, of legal age, certify that: 1 have read the transcript of my deposition, taken on October 12, 2010, in the case before The United States District	
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15 (Pages 236 to 237)